Introduction

To what extent does the individual's right to know become subordinate to the government's right to secrecy based on the public interest or welfare? And, at what point does the "people's right to know" become superior to the government's right to secrecy?

These are the paramount questions in an age when our country is filled with crisis after crisis and government at every level is being asked to become more responsive to the essential needs of all citizens.

How much has been done by government to assure citizens access to "public records" which might contain information effecting them or "public meetings" where decisions are being made which may be vital to their day to day living? How available are public records, how open are public meetings and to what extent has goverment been supportive of citizens who desire access to such crucial information?

At the federal level, the "Freedom of Information Act" attempts to accomplish a balance between the "public's right to know" on one hand, and the government's need for secrecy

on the other.

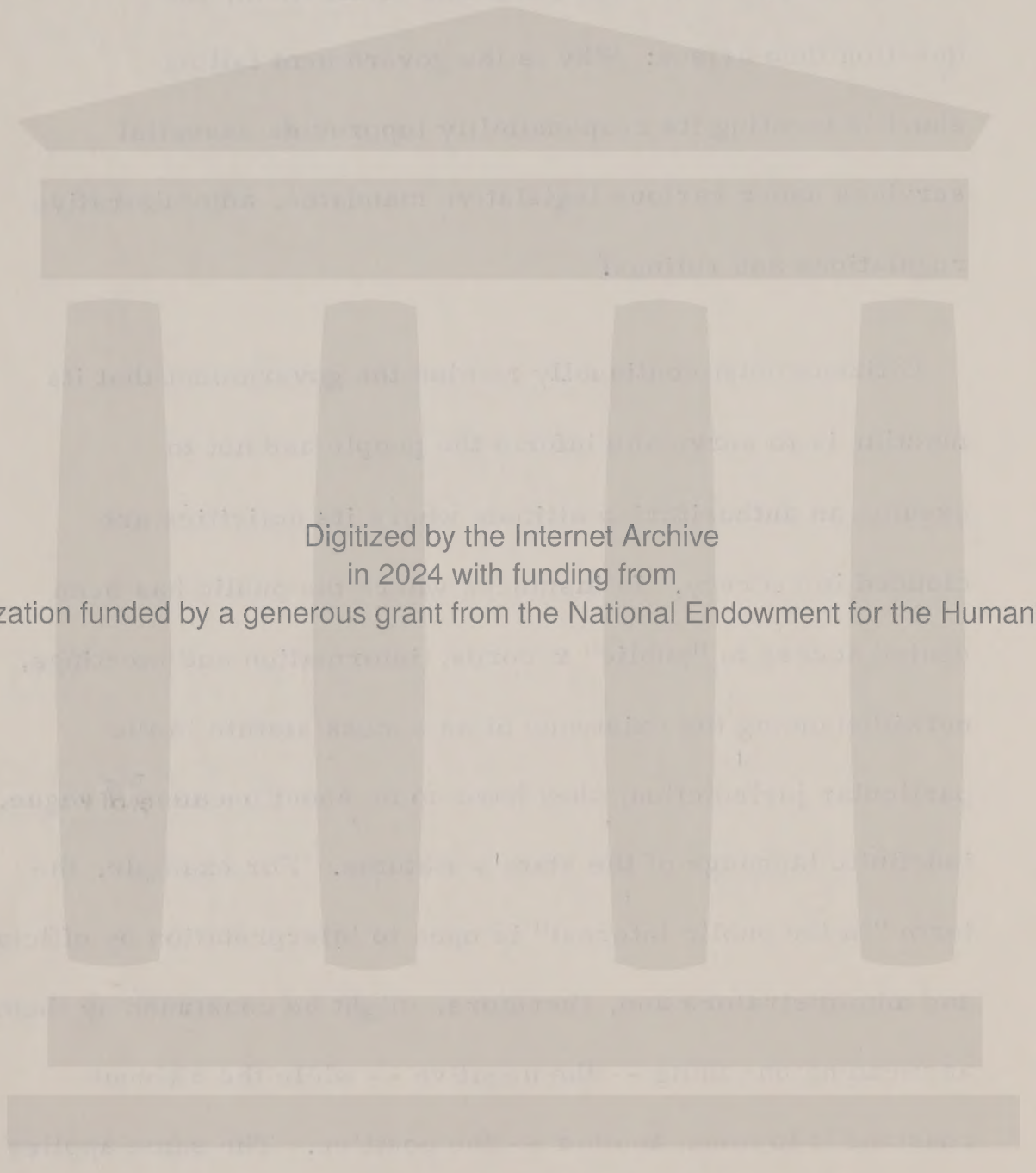
As of 1970, only 37 states had access statutes, effecting both meetings and records, which allowed the public varying degrees of accessibility. Three states--Colorado, Maryland and Vermont--have statutes pertaining to meetings only and eight states -- Kansas, Kentucky, Mississippi, Missouri, Oregon, South Carolina, Tennessee, and Wyoming--have statutes pertaining to records only. The District of Colubmia, Rhode Island and West Virginia have no known statutes pertaining to either public records or meetings.

The purpose of this publication is to stress the urgent need for citizens to insist on strengthening and improving "access" statutes so that the people can have a greater voice in those decisions and events which ultimately will effect their lives.

The citizen finds himself surrounded by a multitude of problems; urban urest and decay; deteriorating school systems; inadequate free school lunch and food stamp programs; threats of mass disqualifications from state welfare rolls; the absence

of adequate health care and garbage collection services in black and poor areas; drug addiction and police insensitivity. With these problems in mind, the question then arises: Why is the government falling short in meeting its responsibility to provide essential services under various legislative mandates, administrative regulations and rulings?

Citizens must continually remind the government that its function is to serve and inform the people and not to assume an authoritarian attitude where its activities are clouded in secrecy. In instances where the public has been denied access to "public" records, information and meetings, notwithstanding the existence of an access statute in the particular jurisdiction, they have come about because of vague, indefinite language of the state's statutes. For example, the term "in the public interest" is open to interpretation by officials and administrators and, therefore, might be construed by them as meaning one thing -- the negative -- while the citizens construe it to mean another -- the positive. The same applies to the terms "public meetings" and "public records". Where these definitions are unclear, can and should citizens demand



to exercise their rights using the courts to test the interpretation which officials have given such statutes? And, should limitations on who may inspect public records such as "taxpayers, "citizens of the state", etc., be removed?

Citizens should be concerned when an access statute defines "public meetings" to mean school board meetings only. Of equal concern are statutes which provide a clearer definition of "public meetings", but makes a provision for "executive sessions" which are closed to the public. Some citizens contend that all such meetings should be open to the public unless to do so would threaten public security and safety or effect a breach of the peace.

Many attempts have been made to improve existing access statutes. Most, however, have been unsuccessful. There are numerous opinions as to why they have failed. In some instances the press and media failed to relate to the citizen the vast importance of have such laws. It is true, too, that there are many legislators, bureaucrats, and administrators, who allege that they would arouse "too much curiosity"; but it could be true that there would be "too many citizens" looking over their

shoulder to see what they are actually doing if access statutes had more bite.

It is our contention that a law enacted does not assure citizens that it will be implemented or enforced. Citizens must demand that access statutes be strengthened where they are weak and enacted where they do not exist.

If this society is to remain free, citizens must have access to public files, records, regulations, etc., so government will truly be the people's servant -- not their master.

Brief Analysis of Pending Crime Bills

by Julius W. Hobson

The cliches which have come out of the present Administration -- "Crime in the streets" and "Preventive detention" simply mean in translation, "Black people in the streets" and "Black detention."

The pending crime bills proposed by the present Administration are primarily nationwide and would amend the Bail Reform Act of 1966 to allow pre-trial detention, and would completely revise the Court system and the Court procedures in the District of Columbia, with particular emphasis on criminal procedures.

One bill simply allows a judge to confine a person prior to trial (preventive detention) if the judge finds that he may be a danger to the safety of any other person or to the community, provided that he also finds one of several other conditions generally relating to the requirement that the crime with which he is charged be a dangerous crime or one involving violence. In the hearing on pretrial detention, the rules of evidence may be disregarded and hearsay and other such evidence used.

Another bill does a number of things. First, it authorizes a "Superior Court" to replace the Court of General Sessions. This Superior Court will have fifty Judges. The powers of the U.S. Court of Appeals to review decisions of the District Courts are almost eliminated and in its stead the Court of Appeals for the District of Columbia, which currently has six judges, is increased to nine and is given general review power over all of the Superior Court decisions. The present six judges of the District of Columbia Court of Appeals are considered to be quite conservative, and include Frank Nebekker, a very conservative Assistant U.S. Attorney just appointed by President Nixon, and only one Black person.

This bill contains an extremely broad wiretap section which roughly follows the national wiretap law. In effect, the police and Federal Agents are given open-ended authority to indiscriminately wiretap or bug in any way they see fit. This is true because the initial section of the Act explicitly exempts them from its coverage.

A Judicial Commission of seven members is created which has the power to suspend, retire or remove a District of Columbia judge. (This does not include Judges of the U.S. District Court and the U.S. Court of Appeals.) The Commission consists of seven members appointed by the President and has the power among other things to act against Judges based upon "conduct which is prejudicial to the administration of justice or which brings the judicial office into disrepute." This open-ended power can of course be used for many purposes. Moreover the decision of the Commission is only appealable to a special 3-judge tribunal appointed by the Chief Justice of the U.S. (i.e. Warren Burger). The new D.C. Court of Appeals has full power to review decisions of the City Council, the Mayor, and other municipal agencies.

A section of the same bill provides that upon the commission of a third felony, a person can be subjected to the lifetime supervision of the Court -- i.e., put in jail for life.

New provisions allow all sorts of appeals by the prosecution from adverse decisions in criminal cases -- something which is almost universally forbidden by the rest of the states. One section allows the prosecution to appeal at anytime during a trial (an interlocutory appeal) of any decision of the Court suppressing or otherwise forbidding the use of illegally obtained evidence. This proposed legislation in unabashed, wide-open terms, states that the prosecution can take an interlocutory appeal from any legal question while the trial is in progress.

The Attorney General is allowed to assign any special investigators to the U.S. District Attorney, who are thereby invested with the same general police powers as the metropolitan police itself. This of course means that the Attorney General can literally have Federal agents policing under full police powers the entire District of Columbia.

A so-called "no-knock" provision states that policemen, if they have reasonable

cause to believe that their person or the person of another might be in danger or that evidence might be destroyed can enter a person's home or any place else without identification, and states that he may make his entrance with all force necessary to achieve his objective regardless of any resistance by the homeowner or the person in the building. Moreover, the legislation states that the policeman can seize anything that might be evidence or might be used in any way connected with any crime, regardless of whether it was indicated in the warrant or not or whether this was the particular crime for which the search was being made.

A policeman does not even have to have the warrant with him as long as he shows it to the arrested person "as soon as possible." A policeman may arrest without a warrant any person "whom he has probable cause to believe ... is about to commit ... the following offenses: (then follows a long list of offenses relating to the protection of property such as larceny, unlawful entry, receiving stolen goods, burglary, unlawful use of vehicle, etc.).

Finally, such laws would largely destroy the centuries-old right of citizens to make arrests. Citizens arrests are restricted to offenses committed in the citizen's presence and are offenses which are felonies or the above listed offenses relating to the protection of property. Moreover, in direct contradiction to universal as well as ancient justice, the person making a citizens arrest is required to take the arrested person to a <u>law enforcement</u> officer, not to a committing magistrate or judge.

In my judgment, the proposed legislation advocated by the Administration would authorize the establishment of a a police state in the District of Columbia with the primary unstated purpose of suppressing Black people.

D. C. Citizens for Better Education
95 M St. S.W.

The Wright Decision: What Does It Mean?

by Mary L. Broad
Research Director

On May 25th of this year, Judge J. Skelly Wright, sitting as a judge of the United States District Court for the District of Columbia, issued another clarification decree in the long standing, controversial case of Hobson v. Hansen. The court's latest order will have a direct and immediate effect on the operation of the D. C. schools this fall, and in the future.

D. C. Citizens has prepared an analysis of Judge Wright's decision to help citizens understand what it actually requires, and to provide a basis for evaluating the school system's decisions on how to meet those requirements. Our analysis covers the history of the case to the present, and the remedy ordered by the court, and suggestions that ways available to the school system to comply with Judge Wright's orders. All quotations in this analysis are directly from Judge Wright's decision as released in typescript.[1]

~~For those so inclined, we strongly suggest that the opinion itself makes fascinating reading. The language is clear, forceful, not overly legal, and occasionally very amusing.~~ (discrimination is seldom amusing) ~~The document is not too long (31 legal size pages), has a varied cast of characters and~~ rather suspenseful plot.

History of the Case

In 1966, Julius W. Hobson brought suit on behalf of his own and other black children in the D. C. schools, against the then Superintendent of Schools of the District of Columbia, Carl F. Hansen, the members of the D. C. Board of Education, the judges of the U. S. District Court for the District of Columbia, who had appointed the members of the Board of Education, and the members of the District Board of Elections.

Footnote 1. United States District Court for the District of Columbia, JULIUS W. HOBSON, individually and on behalf of JEAN MARIE HOBSON and JULIUS W. HOBSON, JR., et al., plaintiffs, v. CARL F. HANSEN. . . . . et al., Defendants, Civil Action No. 82-66, May 25, 1971

Judge J. Skelly Wright, of the United States Court of Appeals, District of Columbia Judicial Circuit, heard the case sitting as a member of the U. S. District Court for the District because the District Court judges were themselves defendants.

Of those principals directly involved in the original case, ~~only~~ Mr. Hobson and Judge Wright remain on the scene. School Superintendents have come and gone; none of the current Board members, ~~now elected by the citizenry,~~ except Rosenfield and Allen ?, were members of the earlier appointed Board ~~in 1966 when the suit was filed~~ that dealt with the first decree. The involvement of the District Court judges and the Board of Education was unnecessary after the Board of Education became an elected body.

The original suit is summarized in Judge Wright's recent decision.

> "In 1967 the basic question presented to the court was whether the defendants, the Superintendent of Schools and the members of the Board of Education, in the operation of the public school system here, were unconstitutionally depriving the District's Negro and poor public school children of their right to equal educational opportunity with the District's white and more affluent public school children. The court concluded that they were, and its decree permanently enjoined the District of Columbia school board from discriminating on the basis of racial or economic status in the operation of the public school system.
>
> "This decree was based in part upon the court's finding of a systematic discrimination favoring the west of Rock Creek Park schools in the distribution of District educational resources--in the age and condition of school buildings, in school congestion, in quality of faculty and of text books, in curricula and special programs such as kindergarten, and lastly in per-pupil expenditures. (Legal references omitted).

The court ordered elimination of the track system, and optional attendance zones, required school faculties to be integrated, and called for "compensatory education to de facto segregated schools". (Page 4, footnote 3.)

> "The court held further that per-pupil expenditure is a measure which summarizes most other relevant distributions of education resources. But on the assumption that compliance with other items of the 1967 decree would have the secondary effect of equalizing overall resource distribution, the court deferred any more specific remedy for the inequality in per-pupil expenditures. (Page 3.)

In May of 1970, Mr. Hobson filed an amended motion stating that differences in total per-pupil expenditures had not decreased since the court's 1967 order, but in fact had increased; plaintiffs requested further action by the court to bring about compliance by the ~~by the~~ school system with the original decree. Specifically, they asked that per pupil expenditures from the regular D.C. budget at each elementary school not be allowed to deviate from the average per pupil expenditures for all elementary schools by more than 5% above or below the mean (a total range

In the course of the following year many elements of the case were exhaustively argued; memoranda, affidavits, and exhibits filed by both the plaintiffs and defendants stacked higher and higher. In an effort to limit the arguments to manageable issues, Judge Wright made two decisions.

1. The court asked plaintiffs and defendants to state the facts and statistics on which they were agreed. These stipulations became the basic facts on which the court based its decision. (Page 5, footnote 3.)

2. The court agreed with the defendants that some costs contributing to per-pupil expenditures--such as costs of vandalism, age of school buildings, etc. - were beyond the control of the school system. Expenditures for teaching costs were within the control of the defendants, and "have a direct bearing on the quality of a child's education." (Page 28.)

possible clear with Rousselot question interpretation?

Therefore the focus of the argument was shifted to "expenditures per-pupil for teachers' salaries and benefits, or 'teacher expenditures per pupil'". (Page 5, footnote 4; also discussed on p. 28.)

that part?

Even though the ensuing arguments were based on data to which both parties agreed--~~the [illegible] and focused only on teacher expenditures per pupil~~ of all expenditures out of regular budgeted funds used for teacher salaries and benefits. ~~they are confusing~~ While complex and occasionally unclear, the issues discussed include a discussion of the effects of busing children, the randomness of unequal per-pupil expenditures, possible economies of scale, and whether more experienced-and therefore more highly paid- teachers are necessarily better; we will not attempt to outline these ~~issues~~ arguments here.

Judge Wright's conclusion, however, is clear.

> After a year of discovery and argument by memoranda, the record before the court indicates that a striking differential in per-pupil expenditures for teachers' salaries and benefits exists between schools east and west of the Park and that differential is greater in fiscal 1971 than it was in fiscal 1970. The area west of the Park , where despite voluntary busing the public school population is today 74 percent white, is decidedly favored over the rest of the city where the school population is 98 per cent black, and is especially favored over Anacostia, one of the most poor and black sections of the city. (Pages 3-6; footnotes omitted.)

> Particularly in view of the 1967 opinion and decree in this case, these figures [provided by the school system] make out a compelling prima facie case that the District of Columbia school system operates discriminatorily along racial and socio-economic lines. (Page 7.)

The Court's question, as Judge Wright put it, is:

> By what lawful justification do the elementary schools in the White schools in the white and wealthy west of the Park area receive strikingly higher teacher expenditures per pupil, out of regular appropriations uniquely within defendants' control, as compared with all of the city's black and generally poorer schools, including those of the Model Schools Division? . . . this is a question for which defendants have no satisfactory answer. (Page 10)

In his review of the school system's arguments, Judge Wright points out that the figures and arguments provided by the school system serve only to defeat the schools' own case.

> To take one of many possible examples, if teacher expenditures per-pupil in fiscal 1971 at the Draper School (actually $362) had been at the citywide average ($497) they would have increased by $135 per pupil. The increase in total teacher expenditures would then have been approximately $147,000. Under salary scales currently in effect, this would have permited the addition of perhaps 15 new teachers at Draper. This addition would have reduced the pupil-teacher ratio from the present 25/1 to 18/1. (page 28.)

These figures, combined with the protections clearly provided by the U. S. Constitution, can lead only to this conclusion:

> Where teacher experience has not been proved to be unrelated to educational opportunity, where the administration itself has chosen to reward experience, and where a pattern of racial and socio-economic discrimination in expenditures continues in the District, the law requires either that experienced teachers be distributed uniformly among the schools in the system or that some offsetting benefit be given to those schools which are denied their fair complement of experienced teachers. (Page 17; emphasis added, footnote omitted.)

The court's 1967 opinion, as reviewed in this decision, had this intent:

> While setting a minimum standard, the court did not wish to preclude the school administration from focusing, if it saw fit, on equality of output, in terms of giving each student an equal opportunity to attain his own unique potential, rather than on equality of inputs. But the minimum required was that there be an equality of inputs in terms of objective resources. Under injunction to refrain from further discrimination, defendants have failed to comply with this "minimum." The court having found that an unequal distribution of the most experienced and highly paid teachers in favor of the predominately white west of the Park area does favor this area as well as in educational opportunity, no excuse for this continuing racial discrimination short of a "compelling state interest" is worthy of this court's attention at this late date in the history of the case. (Page 18, footnote 22.)

Judge Wright makes clear his low opinion of the competence and/or sensitivity of the school administration in their presumed efforts to comply with his 1967 decision. In discussing the school system's failure to analyze the achievement test scores of children bused to schools west of Rock Creek Park, he says,

> "While the court does not charge defendants with a lack of candor, it does seem incredible that a school system under injunction to provide equal educational opportunity to all its students would not have shown more interest in studying the effect upon individual student achievement of a voluntary busing program which permits students to transfer from allegedly inferior to allegedly superior schools. That defendants have failed to keep any systematic records of the achievement test results of these bused students raises questions about their effectiveness as administrators, if not about their good faith as parties to this case. (Page 22.)

Finally,

> "Four years after this court's first Hobson opinion, defendants have by their own admission failed to equalize the access of all students to dollar resources for teachers' salaries and bendfits. Although defendants have argued strenuously that there is no proven connection between the showing that black students have unequal access to dollars and the crucial constitutional showing that black students are denied equal educational opportunity, the court has found otherwise. For reasons discussed more fully above, the court has concluded that both lower class size and greater teacher experience (at least in certain ranges present in this case) contribute to the quality of a child's education. The court holds that defendants have failed to rebut plaintiffs' strong prima facie case that, despite an injunction against further racial and economic discrimination in the operation of the school system, defendants have continued to offer an education of higher quality to the white and wealthier students west of the Park as compared with the black and poor students elswhere in the city.
>
> The court finds further that defendants have failed to offer the legal justification or compelling state interest necessary to overcome the presumptive invalidity of awarding benefits which affect the fundamental interests of and results in discrimination against a racial minority. (Page 23-24.)

> "...the law is clear beyond doubt that, where a racial minority is treated in a discriminatory fashion, there is a presumptive constitutional violation demanding exacting scrutiny by the court and imposing a heavy burden of justification on defendants. (Page 24.)

Remedy Ordered by the Court

Judge Wright has determined a remedy

> "...which can be easily understood and effectuated by the school administration and which will once and for all relieve plaintiffs of the burden of coming forth to demonstrate that discrimination continues. (Page 26.)

The remedy proposed by the plaintiffs, equalization of school-by-~~the~~ school per-pupil expenditures (all regular budgeted funds) - narrowed by the court to teacher expenditures per pupil (70-80% of regular budgeted funds) - was vigorously opposed by the defendants for three main reasons: 1) conflicts with the Academic Achievement Project (Clark Plan); 2) disruption due to mass teacher transfers; 3) limited average expenditure gains which would have no real impact. The school system offered no alternative remedy of its own.

On the first point, Judge Wright ~~found~~ is findings appear to be in no real conflict with the Clark Plan.

On the second point, he says,

> "Whether the school administration chooses to redefine the criterion of teacher "quality" or to stick by its current system of rewarding more experienced teachers on the assumption that they are better, quality teachers--however identified--should be distributed equally across the system. If, however, such distribution proves impractical, the proposed order is sufficiently flexible to permit alternative approaches to the problem of providing equal opportunity measured by objective imputs. If spreading the most highly paid teachers equally around the school system were in fact to prove the "devastating requirement in terms of personnel transfers and assignments" that defendants now fear, then, as has already been suggested in this court's show cause order of September 1, 1970, the "schools which do not have their share of such teachers (could instead) be compensated with a corresponding benefit." Both lower class size and higher teacher experience (at least in certain ranges) have a positive effect upon educational productivity. At the moment, the only way known to measure how much of one compensates for a loss in another is by their price. There is no doubt about the school department's right to assign a teacher to a school. However, if in practice teachers do not react well to this kind of policy, the compensatory policy is still viable. Children in poor schools can be compensated for not having equivalent quality teachers by having more teachers and thus smaller classes. (Page 28; emphasis added.)

Judge Wright did not deal with the Clark Plan in this case!

On the third point, the court states what we feel is the heart of ~~the basis for~~ the entire decision.

> "Once a finding of significant variations in expenditures is made, and once a finding is also made that these variations adversely effect the poor and black children in attaining their right to equal educational opportunity, it is wrong to dwell on citywide gains and losses or upon correlations or averages. The existing discrepancies in teacher expenditures per pupil at particular schools have very severe consequences for the students attending these schools,.... All considered, the court cannot agree with defendants that plaintiffs are seeking an "artificial, meaningless symmetry of expenditure figures." What plaintiffs have been denied and are now seeking--equal access to objectively measurable educational inputs-is simply the very minimum they are entitled to under the Constitution. (Page 27, footnote 28; emphasis added.)

After considering all these points, and without any alternative remedy which the school system might have proposed, the court issued several orders.

Order No. 1.

On and after October 1, 1971, per pupil expenditures for all teachers' salaries and benefits from the regular D. C. budget (excluding Federal grants and other special funds) at each D. C. elementary school shall not deviate by more than 5% from the mean per pupil expenditure for all teachers' salaries and benefits at all elementary schools. (This means a total range between highest and lowest acceptable figures of 10% of the mean.) 5% over the mean may be granted by the court for schools which provide compensatory education for educationally deprived pupils, or special education services for the mentally retarded, physically handicapped, or other "exceptional" students, or for schools in which that variance can be "accounted for ~~soley~~ solely on the basis of economies or disecomonies of sale." (Page 30, emphasis original.)

The mean per pupil expenditure for all teachers' salaries and benefits, city-wide, shall be figured after excluding the teacher costs and numbers of students at each school for which the court has granted an exception.

Order No. 2.

Annually, by October 1st, the school administration shall provide to the plaintiffs and the court, information for every elementary school which will show that the school system is in compliance with Order No. 1. Nineteen kinds of information are

required about each elementary school, by name, resulting in--and including--the teacher expenditure per pupil for each school and the mean for the entire system.

Order No. 3.

Any differences in methods of calculation from year to year must be identified and stated in the reports required under Order No. 2.

Order No. 4.

The court allows for ~~[and almost asks for]~~ the school system's development of ~~new and creative plans~~ specific, measurable and educationally justifiable plans to meet the needs of the District's students which might not meet ~~these strict~~ the above requirements.

> At such time, upon a prima facie showing that the plans are reasonably designed in substantial part to overcome the effects of past discrimination on the basis of socio-economic and racial status, the court may modify its present order. (Page 14.)

Compliance With the Court's Orders

The school administration, in arguing against the equalization of teacher expenditures per pupil at all District elementary schools, raised the dismal ~~prospect~~ specter of mass teacher transfers as the only practical way to comply with such an equalization order. Our analysis of the Wright decision clearly shows that teacher transfers are not the only, or even the ~~simplest~~ best, way to meet the court's requirements.

Raising teacher expenditures per pupil at any given school can be most easily accomplished by adding more teachers to the teaching staff at that school. This does not necessarily mean

carving out more classrooms at schools already filled close to capacity. The most beneficial way to add to a school's teaching staff would be to provide those special teachers--in language, math, drama, crisis resource, etc.--who can best meet the students' instructional needs.

These special teachers could operate in several ways in different schools. They could work individually with needy students in some secluded corner. They could spend an hour at a time with several entire classes. Demountables ~~would~~ could be used. Or they could transform under-utilized space--the end of a hallway, a stairwell or landing, one wall of a wide corridor, or part of an entrance hall--into a language or math or science center. Here ~~the bright, average, or remedial~~ student ~~could~~ would have an opportunity to spend time outside his regular classroom on projects ~~designed to accord with the Clark Plan~~ in which meet his individual needs.

Other means of increasing teaching expenditures, such as providing teacher aides or teaching machines, might be explored with the court; the school system would have to show that these expenditures raise the quality of education at a particular school to meet the court's requirements.

Given a fixed and limited school budget, where can the money be found for increased teaching expenditures? Faced with a prospective cut in the fiscal 1972 budget, the school system has offered no more imaginative solutions than a cut in the number of teachers, an increase in the pupil-teacher ratio, to comply with the Hobson II decision,

and the elimination of proposed new programs.

The fact that the school system has a comparatively well-populated administrative wing is constantly overlooked. When cuts must be made, they should not come first or only out of instructional staff and programs which directly serve students. Any cuts should be made on administrative staff and low-priority instructional programs. An across-the-board cut in all administrative divisions, of whatever magnitude, is necessary to provide for an increase in teacher expenditures, and would be less harmful--and probably beneficial--to the instructional goals of the system.

If the school administration were truly sensitive to the instructional needs of all the District's students, they would not have found themselves defendants in a suit such as this in the first place. True, the principal original defendants are no longer in charge of this school system. But the lower echelon administrators who decide how to implement policy decisions--constructively or destructively, efficiently or inefficiently--are still with us, and are as difficult to control as the hidden mass of an iceberg.

Rather than the mass teacher transfers which are the only means of compliance the school administration has offered so far, a policy of meeting the individual instructional needs at each school must be followed. For each school below the allowable range in teacher expenditures per pupil, this implies consultations with parents, staff, and students to define those needs; an imaginative survey of each school to identify physical and personnel resources, and creative ways to add needed teaching staff. The same kind of exploration must be made at each school above the allowable range, to find instructive ways to comply with the orders: combining small classes into ungraded units, examining the assignment of special teachers, and offering a few teachers new and exciting responsibilities at schools needing their services. We hope that the school system is considering this approach, and not relying simply on analyses of teacher statitics by a management firm.

This is such a great ¶ perhaps it should be moved under the ¶ on "Page 10 continuing for employees"

Great! Remember Mrs. Allen & Mr. Rosenfield were on the appointed school board which had the earlier responsibility to comply with the June 1967 court order!

in a second suit. Although most in the original suit

Also Ben Henley was acting superintendent during much of the 67-70 period!

offered by ... should ... seriously ... these alternatives

(Page 10 continued

~~The type of differentiated staffing suggested by the~~ D. C. Board of Education has requested that the school staff prepare a differentiated staffing plan which would pay teachers according to their effectiveness rather than their tenure and education; this approach is recommended in the Clark Plan. There are several forms of differentiated staffing, as described in D. C. Citizens Bulletin Board for December, 1970. None of them will automatically bring the school system into compliance with the Wright decision; the staffing needs at each school must be the primary consideration.

This school-by-school approach to compliance with the court's orders will be neither quick nor easy. Nevertheless, we are convinced that it will produce ~~the most educationally sound plan to comply with this decision's requirements~~ the greatest benefits to the students as well as compliance with the Hobson II decision. If such a plan is energetically designed and pursued, it is quite possible that Judge Wright might grant an extention of the date set for initial compliance. The tone and language of his opinion makes it clear that sensitivity and commitment to the goals of equal educational opportunity for all the District's students, plus firm and uncompromising leadership in moving toward that goal, are the most important attributes by which compliance with the court's orders must be measured.

Metro

By Julius W. Hobson Jr.

"The Washington Metropolitan Area Transit Authority is an interstate compact (a public body) authorized to plan, build and cause to be operated the regional rail system." The board of directors is composed of two directors and their alternates from each jurisdiction. They represent Maryland, Virginia, and the District of Columbia. The Washington Suburban Transit Commission (WSTC) represents the citizens of Maryland (Montgomery and Prince Georges Counties). The Northern Virginia Transportation Commission (NVTC) directly represents the citizens of Arlington and Fairfax Counties and cities of Fairfax, Falls Church, and Alexandria. District of Columbia citizens are represented through the District government; ie, the transit committee of the city council.

The adopted regional rapid transit system route consists of 97.7 miles. Thirty-seven point seven miles are in the District of Columbia; 30.1 miles in Virginia and 29.9 in Maryland. The system operates 47.2 miles in subway and 50.5 miles on the surface. The total number of stations is 86 with 53 underground. Forty-four stations are in the District of Columbia; 20 in Virginia and 22 in Maryland. WMATa estimates that by 1990 the annual mass transit patronage will be 350 million passengers.

There will be 556 air-conditioned cars. Each car will be 75 feet long, 10 feet wide; and seating 81 passengers with 94 standers. The maximum speed will be 75 mph and the average system speed, including stops, will be about 35 mph.

The train system will be controlled automatically and it will regulate train speed and spacing, start and stop trains, operate doors, and moniter train performance. An attendant will have the ability to override the electronics. The system will operate daily from 5 a.m. to 1 p.m. During peak hours there will be 2-minute intervals between trains on main routes and 4 to 8 minutes on branch lines. To coordinate with the system there will be a feeder bus network, auto and taxi drop-

off lanes at stations and 30,100 parking spaces.

WMATA estimates initial operation by 1973 and completion by 1979. The estimated capital cost is $2.98 billion.

The concept of a rapid rail transit system for the District of Columbia began in 1960, with the creation by Congress, of the National Capital Transportation Agency. It has since been endorsed by four Presidents. Congress believes that an improved transportation system for the District of Columbia as necessary for the continued and effective performance of the functions of the United States government, and for the welfare of the District of Columbia. Further, Congress felt that planning on a regional basis is an essential element in the building of a mass transit system.

Description of Routes

Rockville Route

This route begins at the Metro Center Station at 12th and G Streets, N.W. It extends westward in subway under G Street, thence northwestward under Lafayette Park and Farragut Square, continuing under Connecticut Avenue to Yuma Street. From this point the route proceeds westward in subway under Yuma Street to Tenley Circle, thence northward under Wisconsin Avenue to the District of Columbia-Maryland boundary. The route continues northward under Wisconsin Avenue, through Bethesda, to a point south of the Capital Beltway. The route crosses over the Capital Beltway along the east side of Rockville Pike, thence northward in subway along Rockville Pike to a point south of Randolph Road, thence proceeds under private property in subway to the Baltimore and Ohio Railroad. The route continues northwestward on the surface along the B&O Railroad to a terminal at Rockville. The following stations are provided: Metro Center, Farragut North, Dupont Circle, Zoological Park, Cleveland Park, Van Ness, Tenley Circle, Friendship Heights, Bethesda, Medical Center, Parkside, Nicholson Lane, Halpine Road, and Rockville. Storage tracks and inspection facilities are provided north of the Rockville

terminal. A future extension is planned extending northward to Germantown, alignment to be determined. Revisions to the General Plans incorporating the Authority's comments and the latest architectural layout were completed, and transmitted to the Authority on June 23, 1971.

Huntington Route

This route begins at the Metro Center Station and proceeds northward in subway under 12th Street, thence westward under Eye Street. The route continues westward in subway under the Potomac River, crossing the District of Columbia-Virginia boundary into Rosslyn, thence southward under Lynn Street in subway to a point south of Arlington Boulevard. From this point the route continues southward on the surface along the east side of the Jefferson Davis Highway, then curves southwestward, in subway, south of the Pentagon and continues in subway under Hayes Street, thence eastward under 18th Street to the National Airport. The route then turns southward and proceeds through National Airport on an aerial structure, crosses over the George Washington Memorial Parkway and proceeds southward on the surface along the east side of the Richmond, Fredericksburg and Potomac Railroad. The route continues along the east side of the RF&P Railroad through Alexandria to a point south of Duke Street. The route then proceeds southward over private property, crossing over the Capital Beltway and Huntington Avenue to a terminal at the Huntington Station. The following stations are provided: Metro Center, McPherson Square, Farragut West, Foggy Bottom, Rosslyn, Pentagon, Pentagon City, Crystal City, National Airport, Monroe Avenue, King Street, and Huntington. A future extension is planned southward to Fairfield, alignment to be determined.

Glenmont Route

This route begins at the Metro Center Station and extends eastward in subway under G Street to 6th Street, thence southeastward under Judiciary Square, east ward under D Street, and northward under Union

Station. The route then proceeds northward on the surface along the B&O Railroad to the Distrixt of Columbia-Maryland boundary. The route continues northward through Silver Spring along the B&O Railroad, thence in subway under 16th Street and Georgia Avenue to a terminal at Glenmont. The following stations are provided: Gallery Place, Judiciary Square, Union Station, Rhode Island, Michigan Avenue, Fort Totten, Takoma Park, Silver Spring, Forest Glen, Wheaton, and Glenmont. The main Maintenance yard is provided south of the Rhode Island Station. Storage and inspection facilities are provided north of the Glenmont Station.

Ardmore Route

This route begins at the Metro Center Station and proceeds southward in subway under 12th Street to the Southwest Mall area, turning eastward under D Street, S.W., thence to Pennsylvania Avenue. The route continues in subway southeastward under Pennsylvania Avenue, eastward under G Street, S.E., northeastward under Potomac Avenue, Northward under 19th Street, and northeast on the surface across the D.C. Stadium parking lot east of Oklahoma Avenue. The route then turns eastward, crossing over Benning Road, the Anacostia River and Kenilworth Avenue north of Benning Road, thence northeastward on surface along the Penn Central Railroad to the District of Columbia-Maryland boundary and continues to a terminal at Ardmore. The following stations are provided: Federal Triangle, Independence Avenue, L'Enfant Plaza, Voice of America, Capitol South, Marine Barracks, Potomac Avenue, Stadium-Armory Oklahoma Avenue, Kenilworth Avenue, Deane Avenue, Cheverly, Landover, and Ardmore. Storage and inspection facilities are provided immediately east of the Kenilworth Avenue Station. A future extension is planned to Bowie, alignment to be determined. Under consideration is a realignment of the Kenilworth and Deane Avenue Stations.

Greenbelt Route

This route begins at the Gallery Place Station (7th and G Streets, Northwest) and proceeds northward in subway under 7th Street, thence northwestward under Massachusetts Avenue to 13th Street. The route continues northward in subway under 13th Street to Kansas Avenue, thence northeastward under Kansas Avenue, thence eastward under Farragut Street and Fort Totten, passing under the Glenmont Route in subway at the Fort Totten Station. The route then continues eastward on the surface in the median of the new Interstate Route 95 to the District of Columbia-Maryland boundary. In Maryland the route continues northeastward along the median of Interstate 95, thence on the surface, eastward generally parallel to and south of East-West Highway. After crossing under Belcrest Road, the route proceeds eastward in subway passing under East-West Highway. The route continues in subway northeastward under Queens Chapel Road, thence eastward crossing under U.S. Route 1 south of Albion Road. From this point the route continues eastward south of Albion Road, and crosses over the Baltimore and Ohio Railroad and proceeds northward on the surface along the east side of the railroad. The route continues northward along the east side of the B&O Railroad to the terminal at Greenbelt Road. The following stations are provided: Gallery Place, Logan Circle, U Street, Columbia Heights, Georgia Avenue, Petworth, Fort Totten, Chillum, Prince Georges Plaza, College Park, and Greenbelt Road. Storage and inspection facilities are provided north of the Greenbelt terminal. A future extension is planned to Laurel, alignment to be determined. Under study is an alternate routing for the mid-city portion of the Greenbelt Route. This alternate route would proceed northward in subway under 7th Street, thence westward under U Street, thence northward under 14th Street to the vicinity of Park Road, thence northeastward in subway and under Kansas Avenue as with the adopted route. Stations would be provided in the vicinity of 7th and M Streets, 7th and Rhode Island, 12th and U, and 14th and Park Road.

Branch Route

This route begins at the Gallery Place Station and proceeds southward in subway under 7th Street to Maine Avenue, S.W. From Main Avenue the route proceeds eastward in subway under M Street to the vicinity of 6th Street, S.E., thence southeastward to pass under the Washington Navy Yard and the Anacostia River in subway to Nichols Avenue, thence eastward under Good Hope Road to Fort Stanton Park. The route then proceeds in subway first under a portion of Fort Stanton Park, then under private property to Naylor Road. Continuing southeast ward the route proceeds in subway under Naylor Road to a portal south of 30th Street, S.E. The route then continues on the surface along the east side of Naylor Road, then crosses over Naylor Road to the District of Columbia-Maryland boundary. In Maryland the route continues, crossing over Suitland Parkway crossing over Branch Avenue. From this point the route continues eastward on the surface and passes under Suitland Parkway, thence eastward on the surface generally parallel to Suitland Parkway. The route continues southeastward on the surface passing under Silver Hill Road, and then under Suitland Parkway, and proceeds on the surface across private property southward to a terminal at Branch Avenue. The following stations are provided: Pennsylvania Avenue, L'Enfant Plaza, Waterfront, Navy Yard, Anacostia, Alabama Avenue, Suitland Parkway, Federal Center, and Branch Avenue. A future extension is planned to Brandywine, alignment to be determined. Final submittal of general plans for this section was made on June 30.

Addison Route

This route begins at a junction with the Ardmore Route immediately east of the Kenilworth Avenue Station. From the junction the route proceeds eastward parallel to and north of Benning Road, over the Penn Central Railroad, the B&O Railroad and Minnesota Avenue to Fort Mahon Park. The route continues in subway under Fort Mahon Park to

42nd Street, N.E., then proceeds in subway generally under Benning Road and East Capitol Street to Central Avenue, thence southeastward in subway under Central Avenue to the District of Columbia-Maryland boundary. In Maryland the route continues eastward in subway under Central Avenue to a terminal at Addison Road. The following stations are provided: Benning Road, Capitol Heights, and Addison Road. A future extension is planned eastward to Large, alignment to be determined.

Franconia Route

This route begins at a junction with the Backlick Route, west of the Van Dorn Station and proceeds southward along the west side of the RF&P Railroad on the surface, passing under the Capital Beltway and continuing to a terminal at Franconia. The following station is provided: Franconia.

Backlick Route

This route begins at a junction with the Huntington Route south of Duke Street and proceeds westward crossing under the Southern Railway and continues on the surface along the south side of the Southern Railway. The route then crosses over Cameron Run and continues westward on the surface parallel to and north of the Capital Beltway. The route then crosses over the RF&P Railroad and continues westward on the surface, first along the north side of the RF&P Railroad, and then along the north side of the Capital Beltway, thence under the Shirley Highway to a terminal at the Backlick Station located along the south side of the Southern Railway. The following stations are provided: Telegraph Road, Van Dorn, and Backlick Road. Storage and inspection facilities are provided west of Telegraph Road serving the Huntington and Franconia Routes in addition to this route. A future extension is planned to Burke, alignment to be determined.

I-66 Route

This route begins at a junction with the Huntington Route south of

the Rosslyn Station and proceeds westward in subway under 16th Street and Wilson Boulevard to Fairfax Drive. The route continues in subway under Fairfax Drive to a point west of Glebe Road where it enters the median of the proposed Interstate Route 66. The route continues westward on the surface on the median of Interstate Route 66 to a terminal at Nutley Road. The following stations are provided: Court House, Clarendon, Nelson Street, Glebe Road, East Falls Church, Route 7, Gallows Road, and Nutley Road. Storage and inspection facilities are provided in the median of I-66 east of Route 7. A future extension is planned to Centreville, alignment to be determined.

L'Efant-Pentagon River Crossing

This route begins at a junction with the Branch Route, south of the L'Enfant Plaza Station and proceeds in subway under the Washington Channel to East Potomac Park. The route portals along the south side of the Penn Central Railroad and crosses over the Potomac River, on a bridge southeast of and adjacent to the Long Bridge, to the District of Columbia-Virginia boundary. The route then passes under the RF&P Railroad and proceeds in subway to a junction with the Huntington Route northeast of the Pentagon Station. No stations are provided on this route. A future extension is planned southwestward to Lincolnia with the alignment to be determined.

Timetable for Completion

WMATA anticipates that the completion of the 97.7-mile system is slated for 1980. There are six phases for completion of the system.

Phase 1, December 1972.

The completion of this section is from north of the Dupont Circle Station on the Rockville Route to north of Rhode Island Avenue Station on the Glenmont Route.

Phase 2, December 1973.

The schedule for this phase is from north of Rhode Island Avenue Station to north of the Silver Spring Station on the Glenmont Route and

from south of the 12th and Independence Station to the Pentagon City Station on the Huntington Route.

Phase 3, December 1974.

The Huntington Route south of Pentagon City including the Telegraph Rd. Yard, and the I-66 Route from Rosslyn to the Court House Station. The Rockville Route will be in service between Dupont Circle and Parkside and the entire Ardmore Route.

Phase 4, December 1976.

Completion of this phase is from the Court House Station to the Route 7 Station on the I-66 Route and from Chillum Station on the Greenbelt Route to the Pentagon Station (2nd river crossing included) and from L'Enfant Plaza to Waterfront Station.

Phase 5, December 1978.

From the Waterfront Station to Branch Avenue on the Branch Route, from Parkside Station to Rockville on the Rockville Route and from Route 7 Station to Nutley Station on the I-66 Route.

Phase 6, December 1979.

This section will be completed from Chillum to the Greenbelt Station on the Greenbelt Route, and from north of Silver Spring to Glenmont Station on the Glenmont Route, and from Kenilworth to the Addison Road Station on the Addison Route, and finally from the Telegraph Road Yard to the Backlick Road Station on the Backlick Route and the Franconia Route.

Acquisition of Properties

As to the acquisition of property, the Washington Metropolitan Area Transit Authority has made some progress. "To the maximum extent possible, public rights-of-way are utilized. When private property is needed, it is acquired by negotiated purchase or lease, as appropriate, or by condemnation, if necessary." A great deal of property has been purchased by WMATA. WMATA has reached agreements with other government agencies which grant interest in real property. Individuals,

families, and businesses have been relocated from properties acquired by WMATA for construction of Metro. The Authority provides a relocation manuel for families and businesses. These manuels provide a description of the services and payments that are available to families and businesses. Each family and business are provided with a counselor who will aid in explaining the procedures to be followed before relocation. Both manuels explain the procedures for appeal.

Metro Fares

The WMATA Board of Directors has not made a final decision on a Metro fare system. However, before a final decision is made there will be a series of public hearings. Presently, the Board of Directors has authorized the staff to analize and test a 20-cent base fare. Each additional mile would cost five cents. The Board has not committed itself to this particular system. The system will be tested by a computer-simulated Metro system, and it is felt that the results of this analysis will aid the board and the public to reach a final decision in the years to come.

The base 20 cents would cover the first three composite miles of rail travel, and additional miles would cost five cents each. The purpose of this system is to enable patrons to pay in proportion to what they use. The shorter the trip the lower the cost, and vice versa.

Feeder Bus Service

The feeder bus service will be closely coordinated with the rapid rail system; thus providing wide coverage of the entire metropolitan area. The bus routes will "radiate to Metro stations from all sectors of the transit zone including remote areas not presently served by buses." WMATA estimates that 70% of its patrons will ride buses to the Metro stations, and most patrons will be within a 10-minute bus ride of a Metro station.

Because of the predicted impact of rapid rail on the area's bus operations, and because coordination between the two modes is necessary to efficient transportation, massive redesign of the present bus system was contracted by WMATA. The objective was to alter the present all-bus system to one in which the buses will run locally, and greater attention was given to cross-town and cross-country routes. The altered bus system was developed with the cooperation and aid of the four local bus companies and the Washington Metropolitan Area Transit Commission. The costs of the new bus system were analyzed on the basis of vehicle miles, vehicle hours, vehicle requirements, and revenue passengers, utilizing the latest available data on wages and other factors. The bus revenue estimates were developed on the basis of a zone fare structure involving a 50/50 split of base fares. The analysis projected operating revenues for the bus companies at a level of about 6 per cent above operating expenses. Current levels are about 4 per cent.

Number of Stations, Route Miles and Parking Spaces by Route and Jurisdiction

Route & Jurisdiction	No. of Stations	Miles Route	Parking Spaces
Rockville			
District of Columbia	7½	6.0	350
Montgomery County	6½	9.5	3,500
Total	14	15.5	3,850
Glenmont			
District of Columbia	7	7.2	2,450
Montgomery County	4	6.5	2,550
Total	11	13.7	5,000
Greenbelt			
District of Columbia	7	5.9	—
Prince George's County	4	5.1	2,000
Total	11	11.0	2,000
Ardmore			
District of Columbia	12	7.7	1,500
Prince George's County	3	4.5	3,000
Total	15	12.2	4,500
Addison			
District of Columbia	1½	1.8	25
Prince George's County	1½	1.2	625
Total	3	3.0	750
Branch			
District of Columbia	6	5.4	500
Prince George's County	3	3.1	2,500
Total	9	8.5	3,000
L'Enfant			
District of Columbia	—	1.4	—
Arlington	—	0.8	—
Total	—	2.2	—
Huntington			
District of Columbia	3	2.3	—
Arlington County	5	5.5	—
Alexandria	2	3.6	—
Fairfax County	1	0.4	2,000
Total	11	11.8	2,000
Franconia			
Fairfax County	1	1.2	1,000
Total	1	1.2	1,000
Backlick			
Alexandria	1½	1.5	1,500
Fairfax County	1½	5.1	2,500
Total	3	6.6	4,000
I-66			
Arlington County	5	5.9	500
Fairfax County	3	6.1	3,500
Total	8	12.0	4,000
Total by Jurisdiction			
District of Columbia	44	37.7	4,925
Montgomery County	10½	16.0	6,050
Prince George's County	11½	13.9	8,125
Arlington County	10	12.2	500
Fairfax County	6½	12.8	9,000
Alexandria	3½	5.1	1,500
Grand Totals	86	91.7	30,000

ANALYSIS

In the beginning of this paper there are numerous statements which applaud the feasibility of a rapid rail system in the District of Columbia and the surrounding suburbs. The praise for such a system has been made by four Presidents, numerous Congressmen, and WMATA officials. However, after some study of the proposed Metro system, several conclusions were made and they do not fall in the same line with the above individuals.

There were five jurisdictions which were allowed to vote on a referendum concerning the proposed Metro system. These jurisdictions were: Prince George's County, Md., Fairfax and Arlington Counties, Falls Church and Fairfax City in Virginia. The voters approved the system by an overwhelming 71.4%. However, one other jurisdiction did not allow its voters the opportunity of a referendum. That jurisdiction is the District of Columbia. The voters of this city had absolutely no voice in the initiation of the rapid rail system. The District of Columbia will contribute 44 stations, 4,925 parking spaces, and 37.7 miles of rail (largest of all parties concerned). Probably more D.C. residents will be forced to move than any others simply because they do have home rule. Self-determination would allow the citizens an equal voice in the building of a rapid rail system. In case you may have missed the point, Congress decided for the District that it would have a Metro system.

Another point is that the Branch Route gives no service to far southeast residents of the District of Columbia. More people would be forced to ride a longer distance (on feeder bus) to the Metro stations than would should be necessary. However, Metro officials are studying the possiblity of rerouting the Branch line and sending through St. Elizabeth's and down Wheeler Road. This would be in subway.

Looking at the timetable for completion of Metro facilities, it is obvious that not only do District residents give up more but one-

third of its citizens are the last to receive Metro service. What I am saying is that many of the suburbs will receive service before the residents of Anacostia. Yet the system is supposedly for the citizens of the District of Columbia. This is not only discrimination against one-third of the residents of the District but also against black people.

WMATA officials claim that there will be 292,610,000 patrons riding the rapid rail system. However, no one has considered the crime situation in the District of Columbia. Fewer people ride buses than before and fewer people shop in the downtown area. This is attributed to the rising crime rate in the District. It is reasonable to assume that if there is crime on the surface there will be crime below the surface. For example in New York City, there are policemen on every train, and they are designated as transit police. That is to say that they have authority only on the subways in New York. What I question is will the residents of the District of Columbia be forced to pay higher taxes in order to assure a save ride for suburban patrons? we already support the roads used by commuters and now we will probably have to support a transit police force. Again the burden will be on the tax payers of the District of Columbia.

Next we come to the area of parking spaces in the District. First the Rockville Route only requires the District to provide 350 parking spaces. The Rockville Route runs through the far northwest section of the city (east of Rock Creek Park). However, on the Glenmont and Ardmore Routes the District would have to provide 2,450 and 1,500 parking spaces. One of the purposes of the rapid rail system is to reduce the number of automobiles on the streets in the District. I feel that the system will not reduce the number of automobiles and it may increase them. For example, many Maryland residents make extensive use of fringe parking lots within the city. Three of these

parking lots are: Catholic University, D.C. Stadium, and the Carter Baron. These residents drive this distance into the city in order to avoid the Maryland bus fares. If Maryland residents will avoid these bus fares, then would they not do the same for the proposed zone fare system for Metro? District residents would be forced to provide more land for suburban commuters than would be necessary. A great deal of these parking lots could be constructed just within the Maryland boundary. Second it is obvious that the black residents of the city are forced to give up their homes for "urban renewal" in favor of suburban dewellers.

At the present rate of inflation in this country, it is doubtful that a 20-cent or even a 30-cent Metro fare will be feasible. The bus system in the District now charges 40¢ to ride and a transfer that is good twice. Patrons of the bus system are always faced with cries from O. Roy Chalk about how D.C. Transit is having difficulties. Yet his system has just recieved eight million dollars from Congress as subsidy for bussing District school children. A realistic fare should be proposed and not one which will raise the hopes of lower and middle income patrons.

Lastly, cost overruns will put the WMATA budget in the red. This would force the perspective patrons to pay higher taxes to bail the system out. An example is the subway network's initial train control system. Estimates for this system have run $12 million over the orginal estimates. The Authority is now negoiating with the lowest bidder for the contract.

In conclusion I can only say that the Metro system will benefit only the suburban commiters. The District will give up more land and yet one-third of its residents will be last in line for service. This is obvious discrimination against District residents and black people as well. The rapid rail system will be built but it will be serving only one segment--the commutters.

Ideas For A Proposed Preface

It is interesting that the present Administration makes a distinction between de facto and de jure segregation. The Administration's position was recently spelled out in a statement by the President of the United States to the effect that wherever segregation ~~could be~~ is considered de jure, it ~~should~~ must be dealt with, but wherever it ~~could be~~ is considered de facto, it ~~should~~ can be overlooked. This is a fine distinction which is not ~~apparently clear~~ acceptable to many ~~of us~~ who are interested in public education. ~~This statement proceeds from the apparent premise that somehow de jure segregation is mademade and that de facto is devine or occurred by some natural cause.~~

The institutions in the United States such as employment, education, ~~and others are man-made.~~ and housing patterns are created by men. This fact as it relates to education has been recognized by the United States District Court and ~~by the~~ United States Court of Appeals of the District of Columbia. ~~In the District of Columbia, de facto segregation and de jure segregation are both illegal.~~

The President's statement ~~on~~ defining unacceptable segregation maintained by law (de jure) and acceptable segregation resulting from housing patterns (de facto), runs counter to Judge J. Skelly Wright's 1967 opinion in the Hobson v. Hansen case, upheld ~~in 1968~~ by the United States Court of Appeals of the District of Columbia.

In his discussion of de facto segregation, Judge Wright wrote:

> This reasoning, as applied to de facto segregation, leads the court to conclude that it must hazard a diligent judicial search for justification. If the situation were one involving racial imbalance but in some facility other than the public schools, or unequal educational opportunity but without any Negro or poverty aspects (e.g., unequal schools all within an economically homogeneous White suburb), it might be pardonable to uphold the practice on a minimal showing of rational basis. But the fusion of these two elements in de facto segregation in public schools irresistibly calls for additional justification. What supports this call is our horror at inflicting any further injury on the Negro, the degree to which the poor and the Negro must rely on the public schools in rescuing themselves from their depressed cultural and economic condition, and also our common need for the schools to serve as the public agency for neutralizing and normalizing race relations in this country. With these interests at stake, the court must ask whether the virtues stemming from the Board of Education's pupil assignment policy (here the neighborhood policy) are compelling or adequate justification for the considerable evils of de facto segregation which adherence to this policy breeds.[1]

This publication written by Julius W. Hobson presents concrete examples showing ~~the~~ inequity in educational opportunities for ~~the~~ poor and Black children in the District of Columbia. We believe ~~such continuing~~ inequities in urban school systems across the nation will produce generations of ~~children~~ increasingly filled with bitterness and ~~contempt for the world around them.~~

Therefore, the Center for Law and Education which has recently entered _____ case with Mr. Hobson can only urge lay groups to begin the factual and legal effort to assure equality of opportunity for every child attending public schools to avoid the use of "de facto" as a disguise for "de jure".

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[1] United States District Court for the District of Columbia, June 19, 1967, Hobson v. Hansen, Opinion by Honorable J. Skelly Wright, Judge, United States Court of Appeals for the District of Columbia, 269 F. Supp. 401.

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THE MYTH OF FREE ENTERPRISE

AND THE ELECTRIC POWER INDUSTRY

by

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Notes for discussion at the Sierra Club Conference on the Electric Power Industry, Johnson, Vermont, January 15, 1971.

THE MYTH OF FREE ENTERPRISE AND THE ELECTRIC POWER INDUSTRY

In spite of the pronouncements of the fathers of laissez-faire capitalism (Thomas Aquinas, Adam Smith, David Ricardo, et al.), it has become increasingly apparent that the abusive practices of the free enterprise system clearly herald the need for regulation, centralized control, and, indeed, socialization.

If the invisible hand and Jesus Christ (natural rights, natural order, the play of the market place, supply and demand) have ever been the prevailing and guiding forces in secular enterprise, they are not now so in the United States. There is not a single fifty million dollar corporation in this country selling even chewing gum that does not eat at the public trough and enjoy subsidization in the forms of depreciation allowances, tax amortization, and other federal, state, and local government subsidies which come directly from the pockets of the consumers.

Typical of these so-called free enterprise industries that enjoy a form of private socialism is the electric power industry, more specifically described as "private utilities and public utilities." These electric utility companies are primarily regulated by manipulatable state commissions staffed by individuals whose entrepreneural mentalities always lead them to decisions, regulations, and opinions which redound to the benefit, not of the consumers that they are designated to serve, but to the utility companies they are supposed to regulate. The federal regulatory agency, the Federal Power Commission, practices this deception on a grand scale, skillfully crying helplessness in its failure to regulate the electric power industry (too few personnel, too little money). This is hard to believe when we know that the Federal Government of the United States massively tries to quell a revolution in Southeast Asia, unseated a popular government in Cambodia, removed a duly elected government in Guatemala, and openly supported the persecution of an overwhelmingly popular elected government in East Pakistan.

The antisocial actions of the electric power industry in this country attest to the moral decadence and social irresponsibility of a federal government that fails to give priority to the interests of the consumer. Data published by the Federal Power Commission dealing with tax benefits to utility companies show that these companies enjoy equal status with the Internal Revenue Service in terms of collections. According to the experts in the area of electric power, each year a few employers illegally keep taxes which they have deducted from employee pay checks for income, social security, and unemployment. These tax collections, which are passed on directly to the consumer under something called a cost plus formula, are kept and not reduced when taxes go down. The collections amount to approximately 64 percent of the total amount of money spent by the United States Government in the area of public assistance each year. This is a startling contrast when one considers that there are millions of individuals who need public assistance and only a few hundred power companies who enjoy these huge illegal benefits.

The data show that there is not a single public or private utility company in these United States that does not practice job discrimination against blacks, women, Mexican-Americans, or Indians. The whole industry was recently the subject of inquiry by the U. S. Equal Employment Opportunity Commission. The industry as a whole refused to cooperate with the puny efforts of EEOC to deal with this outrage. Companies are, in effect, collecting taxes from minority groups and women and with these taxes creating jobs which are then denied them as minority groups and women because of their race, national orgin, and sex.

One of the questions raised by this conference is, "How can the needs of people on low fixed incomes for electricity or other utility services be included in the short and long term goals of the utility industry?" First off, I disagree with the premise of the question. The needs of the majority of the people in this country should not be subject to the long term, short term, or immediate goals of any industry. The question should be the other way around, namely, "How can the utility industries be operated in such a fashion as to serve the needs of all the consumers in the United States, regardless of their income levels?" In other words, I do not accept the proposition that what is good for utility companies is good for the United States.

Poor people in general in this country and black people in particular have never enjoyed the fruits of this so-called private enterprise system. There is indeed a serious unanswered question as to whether or not giant industries such as the electric power industry can, within the prevailing economic and political framework, be required to and run on behalf of the people. What assumes prominence today in regard to regulating the electric power industry in one case and all industry in general is a state of confusion. It appears on the surface to an outsider that double-dealing dishonesty and ineffectiveness reign supreme at the levels of state and federal regulatory agencies.

We live in a society with an archaic concept of competition, in which we theoretically throw 100 loaves of bread in the middle of the floor over which we fight. Some people end up with 10 loaves, some with two, and some with none. We carry this myth forward by designating the owners of 10 loaves as enterprising, industrious, businesslike individuals; those with two loaves we call middle class, petit bourgeoisie; and those with no loaves we label as lazy, slothful, sleepy-headed welfare recipients. If the participants in this game of competition were allowed to start off with equal access, equal protection, and equal opportunity, then something might be said for it; but, in reality, the game is played with the same set of rules for blind men, oppressed blacks, and denigrated women, as well as for those wealthy, opportuned white Anglo-Saxon Protestants who end up with 10 loaves.

The population of the United States today has passed the two hundred million mark. On the other hand, the resources of this country are approaching depletion. We cannot continue to survive if we continue

the practice of exploitation of these resources on behalf of the few.

The solution to the problem caused by electric power and other industries in this nation is nationalization and complete control by the people who use them. We need to create a society in which the maldistribution of wealth can no longer exist. We have to live under a set of conditions that will allow no man to starve or suffer for lack of medical attention. The nature of the free enterprise system is such that it renders our work ethic obsolete. In this real society, we have maldistribution of income, economic class formation, increasing efficiency, and a declining number of jobs, thus, a growing reserve army of the unemployed who are hard pressed to buy electric power or even food.

As a college teacher, I am happy that I come in contact every day with younger people who are in growing numbers beginning to examine and turn off the traditional myths. The watchwords among the young are social accountability, community control, equitable and fair distribution of resources, and effective protection for citizens and consumers. The blacks in this country, who have never enjoyed one minute of total democracy, who have never been free, and who are not a part of the economic inner circles, have no choice but to oppose the free enterprise system as it manifests itself in the electric power industry. It is indeed for them a question of survival.

Campaign Speech
Desegregation---The Law: Its
Intent and Its Enforcement

The purpose of law is more than punishment of the guilty and protection of the innocent. It is an instrument of the people that at best insures their survival and enhances the probability of their progeny.

Of all the instruments of social control today the law is most fragile because of its ambivalence. It waxes and wanes according to the Ziegast or the most prevalent social-emotional set of its time. Its decrees are bare knuckles while its effect is minimal and in some cases its enforcement is left up to the gods. Whatever the reasons for this resistance to the enforcement of the law, the fact remains that one of the main reasons is the resistance of the vested interest using its power always to maintain the status quo.

One can always be certain that when a new law is made or a decree issued that calls for social change, there will always be the counter-force or counter group finding new arguments, using old arguments, using old methods, and developing new methods always designed and always directed toward the avoidance of that decree. And so we come to the Skelly-Wright Decision and the old manuever of non-compliance.

The main impact of this decision was against the tract system which was a devilish, perverted diversion used against the Supreme

Court"s decision against the separate but equal doctrine in 1954. Yet while I travel around the campaign circuit, people cóntinuosly ask me what I think of ability grouping. When this happens, I ask myself - what are they asking me---Is the question really what I think of ability grouping or is the question an inquiry about what I think about a new track system. If the question is what I think about a new track system, the answer is exactly what I think about the old track system----a devilish diversion against the Supreme Court's decision and against a minimum population count of twenty million Americans. If the question concerns itself with ability grouping and really means ability grouping, then I say ---We need a miracle worker to define ability because the tests used to measure ability are biased against the urban population in our major cities today. There are no culture-fair tests today. This is an alarming indictment agianst the test makers. So alarming in fact that a test morortorium on black children has been called for by the Black Caucus of A.P.A. In order to have ability grouping, there must be culture-fair tests. Since there are none, I say to you that the first step toward ability grouping is to select samples of the population from this city according to the cultures and sub-cultures of this city, standarize them on the population in this city, and then cross-validate them

with the existing achievement, aptitude, and intelligence tests.

This is a big job, but it is a job that some city must undertake, why not here in Washington, D.C. The first step toward ability grouping is culture-fair tests.

The second step toward ability grouping is a multi-ethnic curriculum. A curriculum that every child can identify with and find adventure in. A curriculum that will build the child's self-concept, not a curriculum that will tear it down. A curriculum that truly has something to offer other than behavioral sets. A curriculum that tells the child-----you are somebody, you are needed, you are wanted. A curriculum that reinforces a child for being a person regardless of his color or creed, not because color and creed are related to the kind of person that the child may be, but because color and creed are related to the kind of education that child can receive.

This is the big hang-up in American Education. Almost all of it is based upon a uni-ethnic concept. As long as we have this concept we can not have fairness in ability grouping. Curriculum must be developed that is culture-fair. This includes reading, writing, and arithmetic. When we are over these hurdles, I will be in favor of ability grouping.

I want to thank all of you teachers for working in the D.C. SChool System and I want to apologize to you as a fellow tax-payer for the sad plight of our schools. It's not your fault, but I know where the trouble lies. Let mr be your trouble shooter. Send me to the Presidential building. Send some more good candidates with me.

Ladies and gentleman of Neighbors Inc. Brightwood Civic Association, Northwest Boundary Civic Association, South Manor Neighborhood Association, Civic League of North Portal Estates, Area 2B Council, and Coolidge and Roosevelt Home and School Associations, Juluis Hobson as a large candidate for the Board of Education regrets that he is unable to present his statement here tonight personally. However, he intends to come later to answer questions from the audience. Mr. Hobson has asked me to represent him, in order that you may know where he stands in general with regard to several very important issues concerning all parents and children living in the District of Columbia.

Julius Hobson, as you well know is no "new comer" among the everincreasing barage of critics of our schools. He is no "Johnny Come Lately" with a new found interest in education as the surest entry to local politics. He is rather a tireless devotee to and fighter for high quality education for all children whether poor or rich, black or white, handicapped or gifted in whatever neighborhood they live.

Mr. Hobson is a person with a long term interest in education and the community. In 1953 he was President of Slowe Elementary School, in 1955-57 President of Woodridge Civic Association, 1958 Chairman of NAACP's Committee on Employment and Education, in 1960 chairman of the DC Branch of CORE.

In 1966 Hobson filed Hobson vs Hansen suit after intensive research on the gross inequities in public education in the District of Columbia. In 1967 Judge J. Skelly Wright handed down a decision in favor of Hobson, a decree os significant importance to all children in the District of Columbia and perhaps to children throughout the United States. Quality education should be available in every school, and every classroom, for every child. As a long range objective Hobson believes bussing children across town to equalize educational apportunities is unacceptable. As a member of the Board of Education he will strive to make quality education a product of each school in the District of Columbia.

Policy and practices regarding public education should reflect the wishes of parents and their children. Parents should not be viewed

as "outsiders" in the system, for it is from the taxes of its citizens and for their children that public education owes its existence.

Mr. Hobson as a member of the Board of Education will solicit and be responsive to parents' views and wishes about education for their children.

He will actively seek additional ways for public education to reflect the opinions and choices of the children and youth being educated. For perhaps if we knew more about what youth were expecting from schools we would not have an alarming dropout rate, or poor performance from able and potentially compiletent young people.

Curriculum reform should be immediate and geared to the needs of children. Children in junior and senior high schools should be able to exercise choices of teachers by whom the wish to be taught, as is now the practice in institutions of higher education. Students' criticism or approval of curriculum and materials should be encouraged in order that educators may make the fullest evaluation of innorative techniques.

The ultimate goal of the School Board should be to achieve fiscal autonomy. Without decisive control over the income and expendi-

tures of the public schools, the Board of Education surrenders much of its ability to deliver the quality education expected and deserved by District residents.

Nor the least of the consequences arising from lack of financial control of education is the abominable status of our school buildings. Unconscionable slashing of construction funds by Congress over many years has meant obsolete substandard, and over crowded schools for a great many of our children. Yesterdays buildings are inadequate for today and tomorrow. The structures needed for a modern and dynamic urban society must reflect the will and spirit of the community. They must be buildings welcoming the citizens it serves day and night winter and summer, bursting with the activity of year-round learning by children and adults.

As a member of the Board of Education I will support innovative physical plant changes, imaginative renovation of existing buildings and hasty retirement of structures unsuitable as institutions of modern urban education.

In conclusion, Julius Hobson is a condidate interested in educational excellence throughbout the community. Good education must reflect the needs of all sectors of the community and it must have as its objective the preparation of every child for full participation in an ever changing and urbanized environment. It is only when parents have the confidence that their children can receive the highest quality education no matter where they go to school, that public education in the District of Columbia will be the racial and socioeconomically integrated community we expect.

November 23 1968

STATEMENT MADE BY JULIUS HOBSON AT PRESS CONFERENCE, 12:30 P.M., SATURDAY, NOVEMBER 23, 1968, IN WASHINGTON, D. C.

As one who was fortunate to receive the endorsement of the Committee for Excellence and Equality in Education, I want to add my strong personal endorsement to the 8 other candidates endorsed by the Triple-E Committee -- At-Large candidate, John Sessions; and the 7 Ward candidates: Charles Cassell - Ward 1; John Treanor - Ward 2; Bardyl Tirana - Ward 3; Mrs. Mattie Taylor - Ward 5; Mrs. Martie Swaim - Ward 6; John Burns - Ward 7; and Edward Saunders - Ward 8.

If the civic records, public statements and occupational backgrounds of these eight persons are carefully examined, District voters cannot help but conclude the candidates are unusually representative of this city and, in particular, their wards.

In fact, the Triple-E slate is an outstanding group of dedicated citizens who can be counted on to carry out the decisive mandate for change which District voters demanded on November 5th.

During the last two weeks I have been campaigning for all of the Triple-E candidates. However, there are two ward races about which I feel very strongly.

Those are Wards 5 and 8.

In Ward 5, one of this city's most honored women is being challenged by a young man whose civic consciousness seems to be measured by the amount of money he is spending in this campaign.

Wide-spread convictions exist that Mrs. Taylor's opponent is the tool of certain large computer interests both in the District and in New York City. He has

probably spent more money than any one of the original 63 school board candidates. I call upon him to make a special accounting - before the election on Tuesday, November 26th - of his expenditures and financial contributions.

He probably will not, and therefore only the voters of Ward 5 can decide whether their political decisions can be [redacted] CONTROLLED by unknown bosses. Only Ward 5 can decide whether it is up for [redacted] POLITICAL GRAB.

But let me make this promise to the citizens of the city, especially Ward 5, and I will put it in writing so I can be held accountable.

One of my first acts on assuming office as a member of the Board of Education will be to have a reputable law firm examine, in detail, every single contract the Board has with any computer firm and the monthly and yearly dollar amounts spent on all business machine rentals and sales.

I am putting Mrs. Taylor's opponent on notice now that in the unlikely and unfortunate event of his election, his statements and actions concerning computer contracts will be under constant official scrutiny. If any evidence of possible conflict of interest is ever suggested, I will do everything possible to have the Board of Education refer the matter to both the United States Department of Justice and the D. C. Attorney for investigation. The Nation's capital is going to have a conflict-of-interest-free Board of Education.

Mrs. Taylor, who has a lovely family and is a young mother with children in the school system, will be an important force in creating this healthy atmosphere.

In Ward 8, this city has exactly the kind of man who will be of great assistance in guaranteeing an efficient and administratively honest Board of Education.

He is Edward Saunders, a Government Management Analyst.

Of all 63 School Board candidates who ran in the November 5th election, Mr. Saunders was the only management analyst.

He can look at a budget and tell you where there is "added fat" and where the school children are being short-changed.

Every school board in America needs an Ed Saunders.

But besides his brilliant analytical mind, he's got heart (we black folks call it soul) and a compassionate concern for people.

In Ward 4, the Triple-E Committee made no endorsement, but I, nevertheless, warmly endorse Mrs. Muriel Alexander for the School Board. Her experience in the school system is vitally necessary on the Board of Education. She brings a point of view that should and must be heard.

-30-

Answer to an Article Which Appeared on the
Editorial Page of the Washington Post on Sunday Sept., 13
by Mr. Robert W. Hartman entitled,
"Judge Wright and Dr. Clark -- Two Major School Plans May Be Incom-
September 16, 1970 patible."

A September 5 Washington Post editorial referred to Judge Wright's recent order in the Hobson V. Hansen case: in the following manner, "We should think no one, except maybe Senator Strom Thurmond, would want to quarrel with the premise...that 'the minimum the Constitution will require and guarantee is that for their objectively measurable aspects schools be run on the basis of real equality, as least unless any inequalities are adequately justified.'"

That premise was the basis of Judge Wright's landmark decision of 1967 when he ordered a redress of imbalances in the District schools and was again the premise for his September 1 finding that "a prima facie case of violation of the 1967 decree seems to have been made out."

Hence my complete surprise with Robert W. Hartman's distorted analysis on Sunday's editorial page, September 13, entitled "Judge Wright and Dr. Clark -- Two Major School Plans May Be Incompatible." ~~Is Mr. Hartman a local Strom Thurmond?~~ We do know that he was formerly on the staff of the Assistant Secretary for Planning and Evaluation in H.E.W., and that he now holds a new position -- with the Brookings Institution -- the recognized citidal of reliable research. A phone call to Mr. Hartman also confirmed my worst suspicion that his knowledge of the Wright decision was actually limited to reading the September 1 Order in the Washington Post. Mr. Hartman's analysis ignored the significant 183 page 1967 Opinion, the transcript of the original trial, analysis contained in the first and second briefs leading to the September 1 Order, and numerous critiques by leading experts.

Perhaps Mr. Hartman's most fatal error is his concept of "Two Major School Plans". The Wright Order is a U.S. District Court

"Judge Wright and Dr. Clark -- Two Major School Plans May Be Incompatible."

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Perhaps Mr. Hartman's most fatal error is his concept of "two Major School Plans". The Wright Order is a U.S. District Court

Opinion upheld at the Appellate level and is based on Constitutional law. If the Board of Education and the school administrators continue to disregard this law, they may subject themselves to civil and perhaps criminal liability.

The Clark Plan is a matter of choice, the Wright Order is a matter of law. The Clark Plan is one of a number of accelerated reading programs which will be tried out in public schools this Fall. Los Angeles announced a new reading program designed by the city schools' reading task force for 22 elementary schools or approximately 18,000 students. There are many others of various designs.

I fail to see any relationship or conflict between the Clark Plan, or any teacher incentive program and Judge Wright's Order. Mr. Clark's ancient contention that Blacks can learn and that they are as good as anybody else is a foregone conclusion and annoying to militant Blacks. On the other hand, I think his emphasis on holding teachers accountable for how they teach supports my contention that education remains the only industry in the history of free enterprise which holds the consumer (the child) responsible for the quality of the product.

Mr. Hartman and I have never met; his generalized and inaccurate estimates of "the Hobson view" of the D.C. Public schools were so outrageous that even my worst opponents must have sighed. Mr. Hartman states that Hobson's equalization solution stems from two assumptions: 1) Schools are operating more or less efficiently with the resources they have; 2) Good teaching is important and higher paid teachers in the District are better teachers. He must know that teachers are classified by the school administration and paid accordingly. The old tired ones who are probably the permanent ones are called "better" by the Board of Education.

I have demonstrated and stated many times, including in the most recent WIQE publication The Damned Children, that both assumptions are

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are grossly over-generalized statements in the Hobson decision
either.

incorrect. I have testified before Congress on budgetary requests, and at those hearings have entreated Congress not to give the school administration more money to continue the destruction of children. Congress, many times, has endorsed programmed retardation and thereby consigned the Black and poor children to the social and economic junk heap.

So Mr. Hartman quotes that "Hobson's view is that the cars are all there, running well, the only question being who gets to ride. The issue of efficiency versus quality--in stark form. Who is right?" My opinion is the complete reverse of Mr. Hartman's assumption of my opinion, in fact one of the reasons I have not seriously entered the debate on the Clark Plan is its irrevalency. The school administration is so incompetent and ineffective the Plan stands little chance of city-wide implementation even if everyone agreed on procedures.

Another Hartman error obvious to anyone familiar with public school finances is that the basic data resulting in Judge Wright's September 1 finding of "spectacular inequality in over-all per-pupil expenditures" related only to regularly budgeted funds (i.e. funds granted by Congress on an annual basis for operating all District schools). I have asked the Court to order that these funds be spent equally on each child. Mr. Hartman fails to note (or doesn't know) that sizable compensatory or ESEA funds are available for use in the poorest and most neglected schools--over and above regularly budgeted funds. While often misused and diverted to wealthier schools, these special title funds offer additional sources of income which can provide extra support and a broad range of educational services to the most severly disadvantaged schools. I am sure these funds are being utilized in the Clark Plan.

Mr. Hartman also failed to identify the most important issue of the Wright decision--the ethical issue. ~~This is often characteristic~~

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~~of phony white liberals~~. The U.S. Constitution should guarantee, if it guarantees anything, the right of each child to equal protection and thereby equal access to educational resources. In fact, I believe the court has so stated. The Hobson V. Hansen case was never intended to define "quality" education which must address itself to qualities not measurable such as teacher attitudes, sensitivity to children, curriculum content, etc. The "tools" of the Wright decision will not insure "quality" education, but once equity in educational resources is established and becomes a non-debatable practice, parents can easily attack other qualities not so easily defined. In the District of Columbia skin color and affluence dictate the distribution of resources in public education. It is not unreasonable to assume that this practice will continue under the Clark Plan.

I have never heard any oppressed parents and children make the argument that equalization of expenditures per pupil and other resources in public education would not facilitate better learning opportunities. This argument always comes from the Robert Hartmans' who enjoy the privileges of "evaluating" at the expense of the poor. Another very strange thing about this argument is that it flies in the face of the Constitution of the United States. "Equal protection" certainly does not exist in schools whereby an administration in 1970 spends as high as $2024 per child (Bundy) and as low as $305 per child at Tubman, an inexcusable expenditure difference of $1719. When I went to court in 1966 using 1964 data the spread was $411, when I returned using 1968 data the spread had increased to $506. It is now $1719. Thus, to even the most bigoted and most class-conscious, this spread in expenditures must appear unfair -- not to mention the unequal distribution of other resources such as books, essential equipment, special funds, etc.

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tion of other resources such as books, essential equipment, special

Mr. Hartman, and the Washington Post, in their coverage of the Wright Order appear to be carrying out the contention of the poet who said "...a lie shall wear the garb of truth, and truth itself appear a lie." This dangerous practice can precipitate sufficient distrust to incite a revolution, which if things in education continue as they are would be justified. Violation of the rights of the poor, in the name of the Clark Plan or any other plan, should not be allowed immunity from the Court Order. If the school Board has ignored the Court Order during the past three years, they are as guilty of illegal conduct as any bank robber who would be punished. In fact, they are more guilty because they violate the rights of thousands, while the bank robber steals from only a few. What does the slogan "Equal Justice Under Law" found over the door of the U.S. Supreme Court really mean? Is it just a slogan to be ignored? The School Boards conduct in this case implies that they think the court is not to be taken seriously. The elected Board members seem to think that they have some kind of sovereign immunity.

~~The Hartmans' of~~ Society must learn that the children's cry is urgent. There is no time in the future at which these problems can be solved. The challenge on behalf of the oppressed is in the moment, and the time to implement and uphold the law is always right now.

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TESTIMONY OF JULIUS W. HOBSON

BEFORE THE SENATE SELECT COMMITTEE

ON EQUAL EDUCATIONAL OPPORTUNITY

September 23, 1971

My name is Julius W. Hobson. I am the Director of the Washington Institute for Quality Education. WIQE is a non-profit organization designed to develop action research programs in public education. I also teach a course at the American University entitled, "Social Problems and the Law." I am here to discuss: 1) the effect of unequal resources among schools within school districts and 2) the extent to which federal programs benefit disadvantaged children, using the D. C. school system as an example.

In the District of Columbia, education is a big industry and should be administered as such. Washington schools have an average annual budget of over $150,000,000* with approximately 18,000 employees (6,817 of them teachers) serving some 143,000 children (more than 97% black), who attend school in over 200 public buildings.

Up to now, large urban school systems in the United States have traditionally consigned the poor and the black children to the social and economic junk heap. This goal has been accomplished through a variety of vehicles, some obvious, like simple segregation by race, others more subtle, such as an unequal distribution of educational resources, rigid tracking, and inferior physical

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*Funds from all sources

plants. The Washington, D. C., school system has been guilty on every count. In fact, my first challenge to the D. C. schools occurred in 1953, under Superintendent Carl Hansen, when I attempted to take my six-year-old son to the closest elementary school (all white), rather than transport him out of our neighborhood to another school (all black). There were no top level objections then to bussing children in order to maintain segregation. The whole issue of bussing is camouflage -- both on the part of Nixon and of the NAACP -- to cover what we refuse to deal with, inequality in the distribution of public resources.

Let us go back through history. Nearly 20 years ago, Brown v. Board of Education shook the entire country and exposed the bitter consequences of racism in the United States. Although it was an extraordinary decision, it still masked a greater fight, which is now being faced by this committee.

Blacks applauded the death of the separate-but-equal doctrine, not because of an enormous desire to integrate, as suspected by fearful whites, but because we knew where the real educational resources were -- in the white schools. Black schools, such as the one I attended in Birmingham, Alabama, were subject to the whim and caprice of white officials like the white superintendent who spoke at my graduation and who said, "You sing so well that God must have set aside a separate place in heaven for you people."

Integration was only a temporary and expedient ploy to postpone the more important and revolutionary issues related to the

equal distribution of public funds in public programs; in other words, should tax benefits be disbursed according to the level of payment, or, in a democracy, should we be talking about "one man, one dollar?"

It is extraordinary to me that the really significant questions have been ignored for so long and that we are now, for the first time, addressing ourselves to what is obvious. The fight for equal resources is not a black/white fight; it is a war perpetuated by those who benefit the most from public resources against those unable to object.

The research leading to Judge J. Skelly Wright's opinion of June, 1967, in the Hobson v. Hansen case, exposed the differential treatment within the District of Columbia school system. After a two-year struggle, we were able to secure through court order data on the average expenditure per pupil in elementary schools. These data ranged from a low of $216 per child in the poor and black community to a high of $627 per child in the wealthy white community, or 190% more for the white child than for the black in the school year 1963-1964.

When these data were put before the court, the differential in expenditures per pupil between the lowest school in the predominantly black community and the highest school in the predominantly white community amounted to $411. By 1968, this spread had increased to $506. Data for 1970 showed that the differential had reached an unbelievable $1,719.

Judge Wright's 1967 opinion decreed that discrimination in the distribution of public resources based on race or income was unconstitutional and thereby ordered the school system to set about eliminating this differential. The judge stated that:

> The doctrine of equal educational opportunity for Negro and poor public school children of the District of Columbia, under the equal protection clause in its application to public school education, is in its full sweep a component of due process binding on the District of Columbia under the due process clause of the Fifth Amendment.

The D. C. school administration made no attempt to abide by the judge's decree, even though it was upheld at the appeals court level. Thus, the plaintiffs returned to court in 1970, asking that the school administration be directed to equalize expenditures per pupil based on teachers' salaries from regular budgeted funds. The court found on behalf of the plaintiffs and so ordered on May 23, 1971.

My testimony from here on will deal with the statistical proof upon which the case was based. The D. C. public schools over the last six years have fared well in terms of money received from the U. S. Congress. In fact, the data in TABLE 1 show that the D. C. schools have had an increase in appropriated regular budgeted funds of 83.5% from 1966 through 1971 and that the average amount of funds appropriated versus funds requested over the same period amounted to a fantastic 95.8% -- a higher batting average than any other school district in the United States.

TABLE 2 shows that in the fiscal year 1969, the D. C. public

schools had more professional staff (excluding teachers) per 1,000 pupils than does, for example, New York City, Philadelphia, Baltimore, Boston, or Cleveland.

It appears, therefore, that the "answer" is not more money to do more of what the school system is already doing or to add more deputy and duplicate superintendents, but rather to engage in a more economical and intelligent utilization of existing funds directly in behalf of the children.

The scatter diagram entitled, "Relation of Average Per Pupil Expenditures to Neighborhood Income Levels for the School Year 1969-1970," shows one D. C. elementary school at the highest extreme had average expenditures per pupil of $2,024, while the lowest expenditure per pupil in another elementary school came to $305, or a differential of $1,719.

Now, turn to the WIQE publication entitled, The Damned Children: A Layman's Guide to Forcing Change in Public Education. From this I will paint a glaring picture of segregation and discrimination in public education in this city from the school years 1906 through 1969.

The discussion of federal funds and their effect on disadvantaged children will relate to Charts 13 and 14, found on pages 27 and 29 of The Damned Children.

Following Hobson II comes the decision from the Supreme Court of the State of California on August 30, 1971, stating that, "The California public school financing system, with its substantial

dependence on local property tax and resultant wide disparities in school revenue, violates the equal protection clause of the Fourteenth Amendment."

The court related further that, "We have determined that this funding scheme invidiously discriminates against the poor because it makes the quality of a child's education a function of the wealth of his parents and neighbors."

While this is a landmark decision, which, if left standing, will revolutionize funding among school districts within the states, it does nothing about discrimination against individual children within school districts and still allows the kind of discrimination to exist which existed in the District of Columbia in 1964. It is still possible in the state of California for any one school within a school district to receive one-half the funds received by any other school within that district, thus leaving school districts with the full right to continue discrimination against minorities and poor children under their jurisdiction.

It is evident that the parents in California are faced with duplicating the Hobson v. Hansen decision in order to assure the elimination of discrimination against minorities and the poor. In other words, California is where the District of Columbia was in 1967.

It is always surprising to me that so-called "well-meaning" parents, teachers, and citizens who enjoy the greatest share in public resources always defend their position by stating that money

doesn't matter, that the real problems of the poor involve broken homes, unruly children, poor habits, alcoholism, and drugs; yet, I have never heard a poor family say that additional -- certainly, at minimum, equal -- resources would not be of enormous help.

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TABLE 1

D. C. PUBLIC SCHOOLS
REGULAR BUDGET FUNDS:
REQUESTS VERSUS APPROPRIATIONS
FISCAL YEARS 1966 - 1971
(IN MILLIONS)

Year	Total Amount Appropriated	Total Amount Requested	Percent of Requests Appropriated	Percent of Appropriation Increases
1966	$75.6	$80.7	93.7%	--
1967	$86.1	$85.8	100.3%	13.9
1968	$95.9	$106.0	90.5%	11.4
1969	$101.5	$104.8	96.9%	5.8
1970	$123.9	$133.5	92.8%	22.1
1971	$138.7	$137.6	100.8%	11.9

Increase in appropriated funds from 1966 to 1971 = 83.5%

Average amount of funds appropriated versus funds requested, 1966 - 1971 = 95.8%

Source: D. C. Public Schools Finance Office

TABLE 2

OPERATING EXPENDITURES PER PUPIL,
PROFESSIONAL STAFF, AND TEACHER SALARY RANGES
FOR WASHINGTON, D. C.,
AND OTHER SELECTED SCHOOL SYSTEMS
FISCAL YEAR 1969

School System	Operating Expenditures Per Pupil (1) (All Funds)	Professional Staff Per 1000 Pupils (2)	Teacher Salary Range (3) Beginning	Maximum
New York, N. Y.	1,031	54.5	6,750	13,900
Fairfax Co., Va.	1,008	45.6	6,400	16,000
Buffalo, N. Y.	960	52.5	6,800	12,510
Phila., Pa.	941	N. A.	6,700	13,300
Wash., D. C.	839	63.0	7,000	13,440
Arlington Co., Va.	N. A. (4)	55.6	6,200	13,702
Montgomery Co., Md.	801	50.8	6,340	13,377
San Diego, Cal.	801	N. A.	6,650	14,010
Seattle, Wash.	801	48.3	6,175	12,250
Prince Geo.'s Co., Md.	747	51.0	6,200	13,640
Baltimore, Md.	707	49.3	6,500	12,400
Cleveland, Oh.	682	N. A.	6,250	11,000
Boston, Mass.	680	55.2	6,500	12,350

(1) Figures from D. C. Public Schools, Proposed Operating Budget for FY 1971, August, 1969, p. 23-XX-6.

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Sources:

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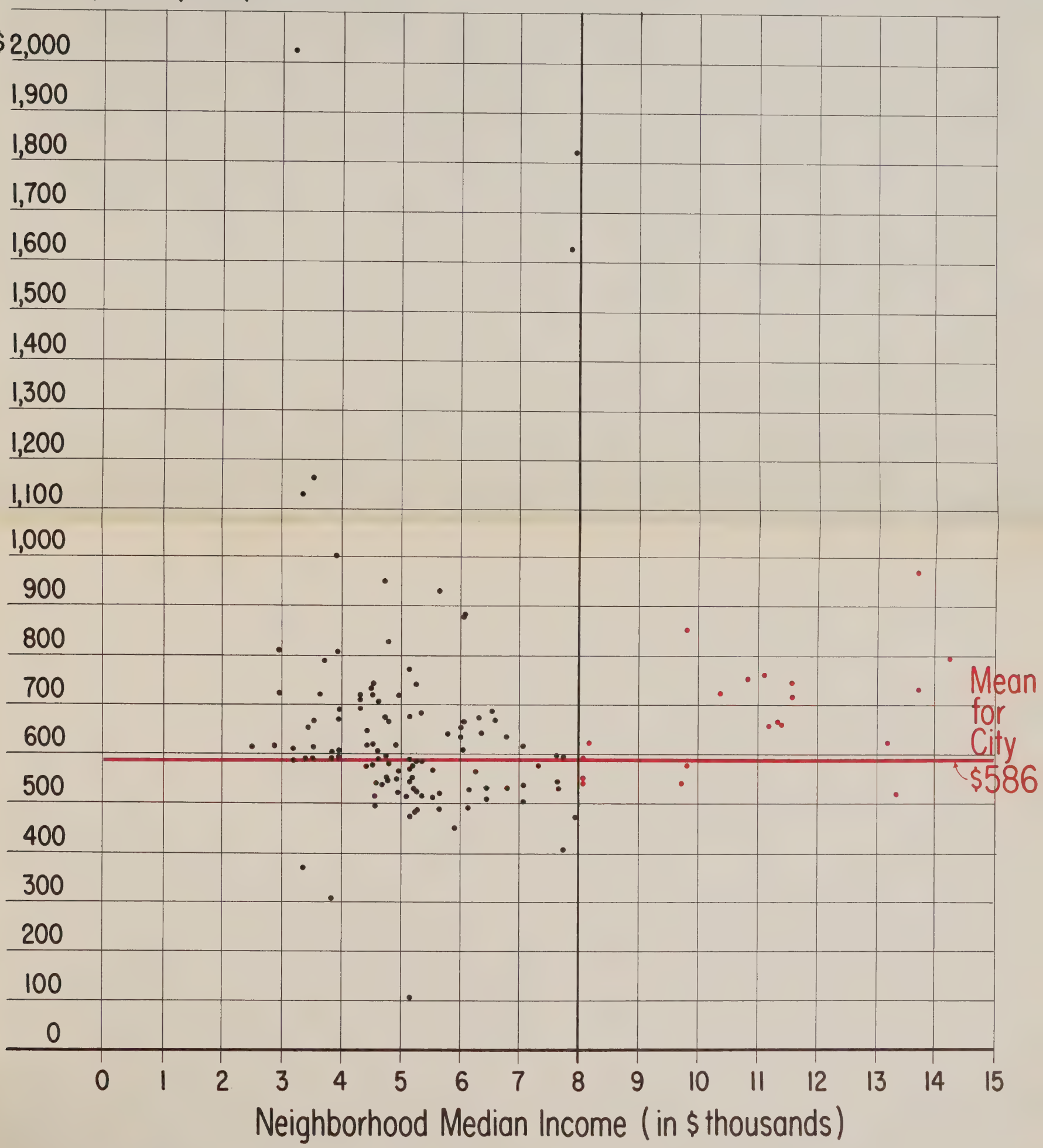
D.C. ELEMENTARY SCHOOLS

Relation of Average Per Pupil Expenditures to Neighborhood Income Levels, 1969-70



SOURCE: D.C. PUBLIC SCHOOLS

TESTIMONY OF JULIUS W. HOBSON

BEFORE THE SENATE SELECT COMMITTEE

ON EQUAL EDUCATIONAL OPPORTUNITY

September 23, 1971

My name is Julius W. Hobson. I am the Director of the Washington Institute for Quality Education. WIQE is a non-profit organization designed to develop action research programs in public education. I also teach a course at the American University entitled, "Social Problems and the Law." I am here to discuss: 1) the effect of unequal resources among schools within school districts and 2) the extent to which federal programs benefit disadvantaged children, using the D. C. school system as an example.

In the District of Columbia, education is a big industry and should be administered as such. Washington schools have an average annual budget of over $150,000,000* with approximately 18,000 employees (6,817 of them teachers) serving some 143,000 children (more than 97% black), who attend school in over 200 public buildings.

Up to now, large urban school systems in the United States have traditionally consigned the poor and the black children to the social and economic junk heap. This goal has been accomplished through a variety of vehicles, some obvious, like simple segregation by race, others more subtle, such as an unequal distribution of educational resources, rigid tracking, and inferior physical

*Funds from all sources

plants. The Washington, D. C., school system has been guilty on every count. In fact, my first challenge to the D. C. schools occurred in 1953, under Superintendent Carl Hansen, when I attempted to take my six-year-old son to the closest elementary school (all white), rather than transport him out of our neighborhood to another school (all black). There were no top level objections then to bussing children in order to maintain segregation. The whole issue of bussing is camouflage -- both on the part of Nixon and of the NAACP -- to cover what we refuse to deal with, inequality in the distribution of public resources.

Let us go back through history. Nearly 20 years ago, Brown v. Board of Education shook the entire country and exposed the bitter consequences of racism in the United States. Although it was an extraordinary decision, it still masked a greater fight, which is now being faced by this committee.

Blacks applauded the death of the separate-but-equal doctrine, not because of an enormous desire to integrate, as suspected by fearful whites, but because we knew where the real educational resources were -- in the white schools. Black schools, such as the one I attended in Birmingham, Alabama, were subject to the whim and caprice of white officials like the white superintendent who spoke at my graduation and who said, "You sing so well that God must have set aside a separate place in heaven for you people."

Integration was only a temporary and expedient ploy to postpone the more important and revolutionary issues related to the

equal distribution of public funds in public programs; in other words, should tax benefits be disbursed according to the level of payment, or, in a democracy, should we be talking about "one man, one dollar?"

It is extraordinary to me that the really significant questions have been ignored for so long and that we are now, for the first time, addressing ourselves to what is obvious. The fight for equal resources is not a black/white fight; it is a war perpetuated by those who benefit the most from public resources against those unable to object.

The research leading to Judge J. Skelly Wright's opinion of June, 1967, in the Hobson v. Hansen case, exposed the differential treatment within the District of Columbia school system. After a two-year struggle, we were able to secure through court order data on the average expenditure per pupil in elementary schools. These data ranged from a low of $216 per child in the poor and black community to a high of $627 per child in the wealthy white community, or 190% more for the white child than for the black in the school year 1963-1964.

When these data were put before the court, the differential in expenditures per pupil between the lowest school in the predominantly black community and the highest school in the predominantly white community amounted to $411. By 1968, this spread had increased to $506. Data for 1970 showed that the differential had reached an unbelievable $1,719.

Judge Wright's 1967 opinion decreed that discrimination in the distribution of public resources based on race or income was unconstitutional and thereby ordered the school system to set about eliminating this differential. The judge stated that:

> The doctrine of equal educational opportunity for Negro and poor public school children of the District of Columbia, under the equal protection clause in its application to public school education, is in its full sweep a component of due process binding on the District of Columbia under the due process clause of the Fifth Amendment.

The D. C. school administration made no attempt to abide by the judge's decree, even though it was upheld at the appeals court level. Thus, the plaintiffs returned to court in 1970, asking that the school administration be directed to equalize expenditures per pupil based on teachers' salaries from regular budgeted funds. The court found on behalf of the plaintiffs and so ordered on May 23, 1971.

My testimony from here on will deal with the statistical proof upon which the case was based. The D. C. public schools over the last six years have fared well in terms of money received from the U. S. Congress. In fact, the data in TABLE 1 show that the D. C. schools have had an increase in appropriated regular budgeted funds of 83.5% from 1966 through 1971 and that the average amount of funds appropriated versus funds requested over the same period amounted to a fantastic 95.8% -- a higher batting average than any other school district in the United States.

TABLE 2 shows that in the fiscal year 1969, the D. C. public

schools had more professional staff (excluding teachers) per 1,000 pupils than does, for example, New York City, Philadelphia, Baltimore, Boston, or Cleveland.

It appears, therefore, that the "answer" is not more money to do more of what the school system is already doing or to add more deputy and duplicate superintendents, but rather to engage in a more economical and intelligent utilization of existing funds directly in behalf of the children.

The scatter diagram entitled, "Relation of Average Per Pupil Expenditures to Neighborhood Income Levels for the School Year 1969-1970," shows one D. C. elementary school at the highest extreme had average expenditures per pupil of $2,024, while the lowest expenditure per pupil in another elementary school came to $305, or a differential of $1,719.

Now, turn to the WIQE publication entitled, The Damned Children: A Layman's Guide to Forcing Change in Public Education. From this I will paint a glaring picture of segregation and discrimination in public education in this city from the school years 1906 through 1969.

The discussion of federal funds and their effect on disadvantaged children will relate to Charts 13 and 14, found on pages 27 and 29 of The Damned Children.

Following Hobson II comes the decision from the Supreme Court of the State of California on August 30, 1971, stating that, "The California public school financing system, with its substantial

dependence on local property tax and resultant wide disparities in school revenue, violates the equal protection clause of the Fourteenth Amendment."

The court related further that, "We have determined that this funding scheme invidiously discriminates against the poor because it makes the quality of a child's education a function of the wealth of his parents and neighbors."

While this is a landmark decision, which, if left standing, will revolutionize funding among school districts within the states, it does nothing about discrimination against individual children within school districts and still allows the kind of discrimination to exist which existed in the District of Columbia in 1964. It is still possible in the state of California for any one school within a school district to receive one-half the funds received by any other school within that district, thus leaving school districts with the full right to continue discrimination against minorities and poor children under their jurisdiction.

It is evident that the parents in California are faced with duplicating the Hobson v. Hansen decision in order to assure the elimination of discrimination against minorities and the poor. In other words, California is where the District of Columbia was in 1967.

It is always surprising to me that so-called "well-meaning" parents, teachers, and citizens who enjoy the greatest share in public resources always defend their position by stating that money

doesn't matter, that the real problems of the poor involve broken homes, unruly children, poor habits, alcoholism, and drugs; yet, I have never heard a poor family say that additional -- certainly, at minimum, equal -- resources would not be of enormous help.

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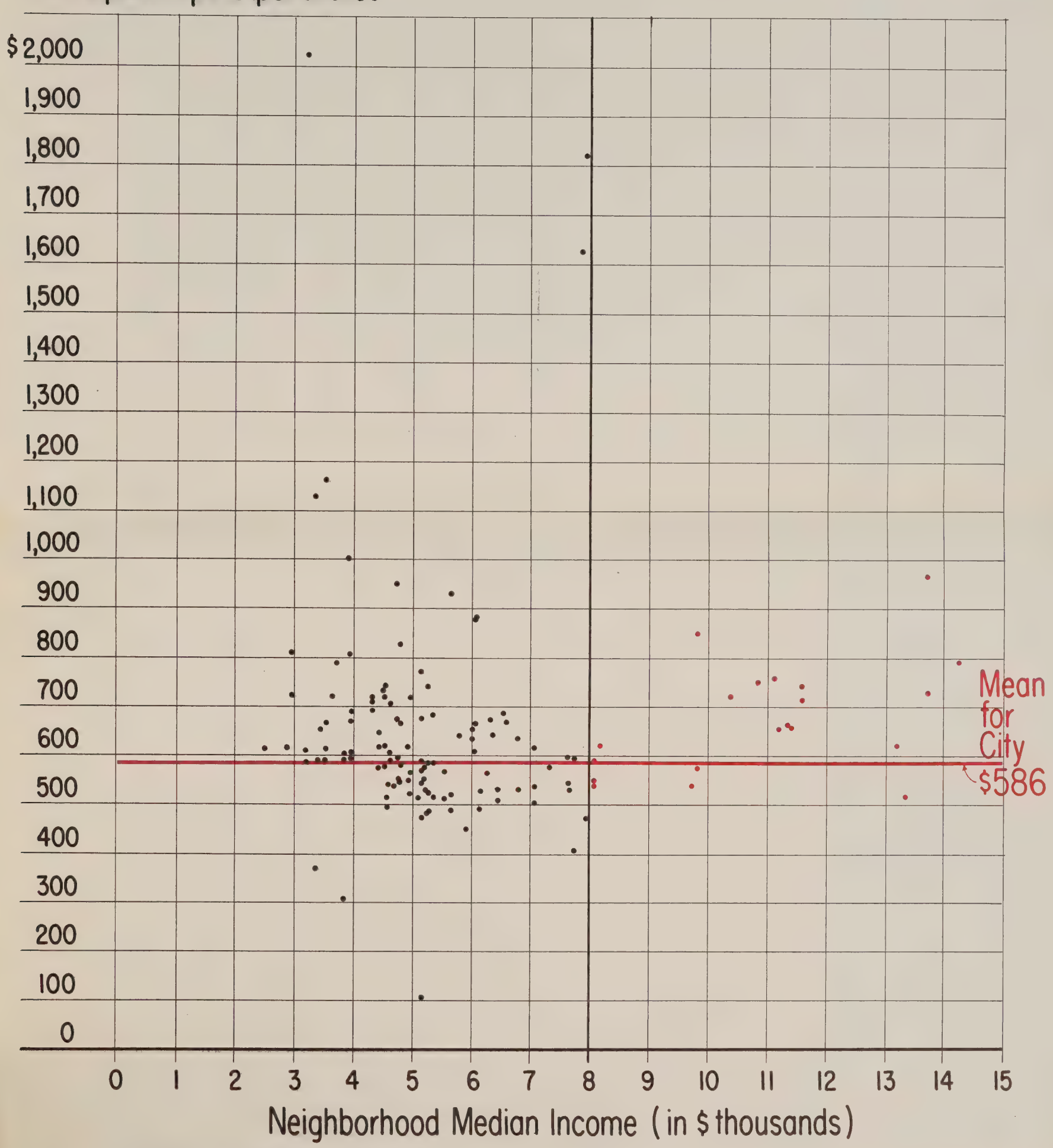

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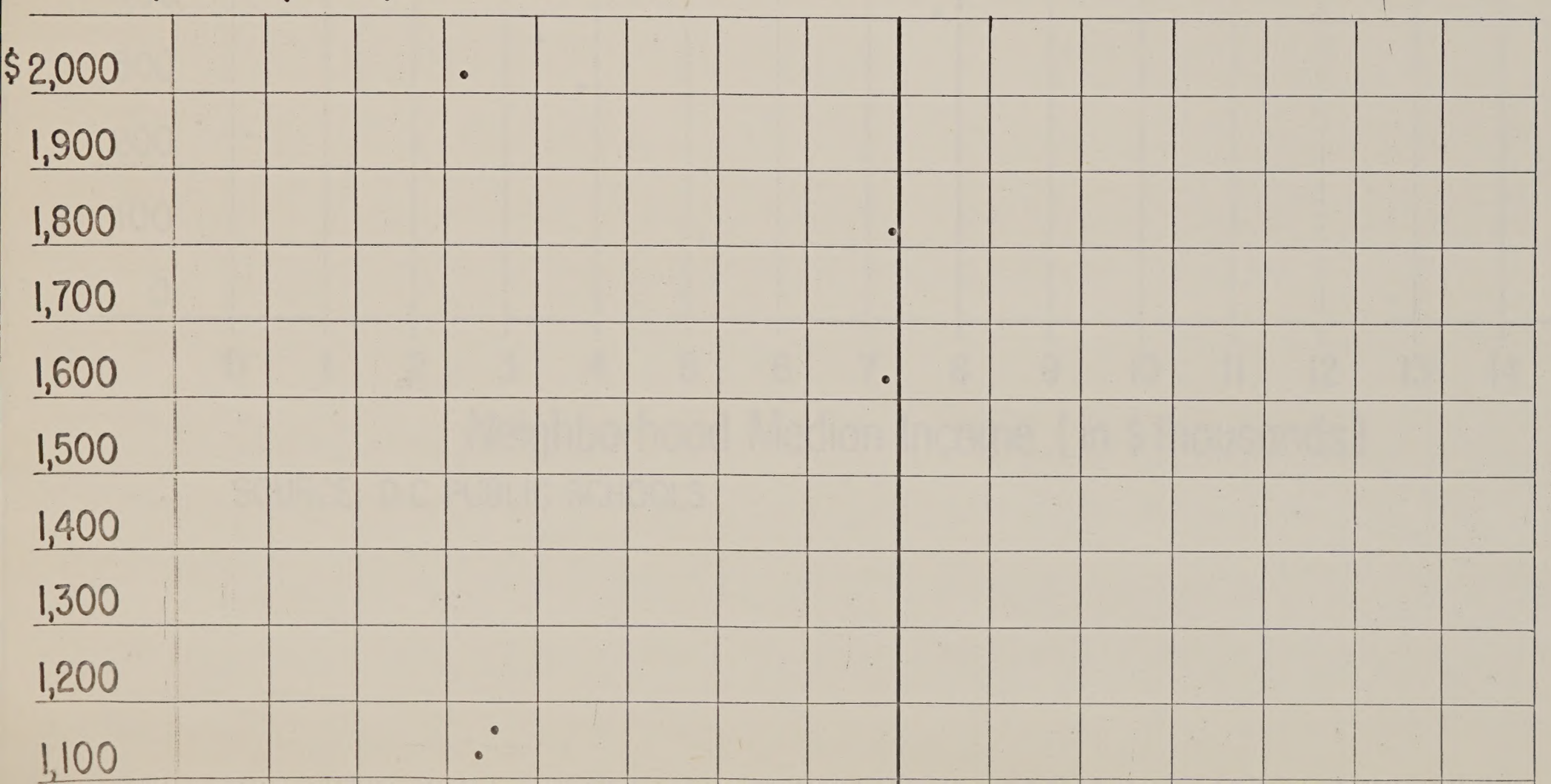

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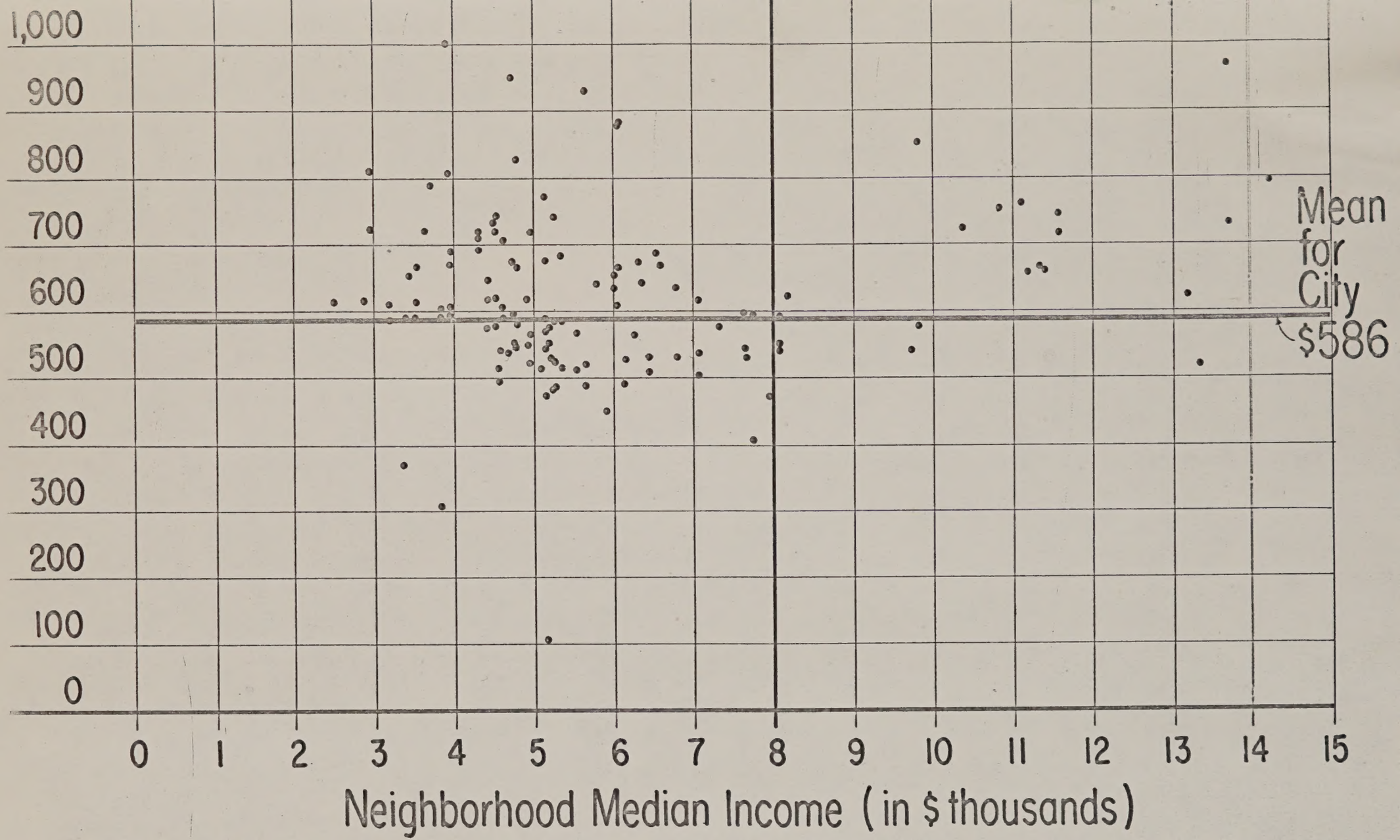

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